

HUNTER'S HILL COUNCIL

Hunters Hill Consolidated Development Control Plan 2013



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PART ONE INTRODUCTION

1.1 NAME, PREPARATION & OPERATION OF THIS PLAN

1. The title of this development control plan (Plan) is *Hunters Hill Development Control Plan 2013*.
2. This Plan has been prepared in accordance with Section 74 of the *Environmental Planning and Assessment Act*.
3. This Plan was adopted on 24 June 2013 and it takes effect from 12 August 2013.

1.2 APPLICATION OF THIS PLAN

- (a) This plan applies to all lands within the Municipality of Hunters Hill, and to all types of development which are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.
- (b) Section 79C of the *Environmental Planning and Assessment Act* requires the consideration of this Plan together with any applicable planning instruments and policies:
 - (i) The local planning instrument and policies are available at the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or may be downloaded from <http://www.huntershill.nsw.gov.au>
 - (ii) State Environmental Planning Policies are available from the NSW Department of Planning & Infrastructure, or they may be downloaded via the Department's website <http://www.planning.nsw.gov.au>

1.3 AIMS & OBJECTIVES OF THIS PLAN

- (a) This Plan has the following strategic aims:
 - (i) To implement State policies which permit only one development control plan to apply to any land or property.
 - (ii) To supplement development standards and provisions that are specified by the *Hunters Hill LEP 2012*.
 - (iii) To contribute to more efficient planning and assessment of development proposals in the Hunters Hill Municipality.
- (b) This Plan has the following strategic objectives:
 - (i) To maintain and enhance the character and identity of established neighbourhoods in the Hunters Hill Municipality.
 - (ii) To maintain and enhance biodiversity values by conserving natural features and scenic qualities that distinguish this Municipality.
 - (iii) To conserve identified heritage values that influence the character and identity of this Municipality.

- (iv) To promote high standards of urban design and architectural quality in relation to built form, private landscapes, social and residential amenities, and levels of community activity.
- (v) To specify services that are necessary for each development, which include car parking and water cycle management.
- (vi) To contain environmental impacts during construction and occupancy, which include the control of erosion and the preservation of existing trees.
- (vii) To specify detailed procedures in relation to development assessment and notification, and to provide directions for conditions of consent that are appropriate for each development.

1.4 OPERATION OF THIS PLAN

- (a) Development proposals must address all relevant parts of this Plan which include:
 - (i) General controls in Parts One, Two and Five that apply to all types of development; and
 - (ii) Detailed controls in Parts Three and Four that apply to the proposed development or land use, or to the site upon which development is proposed.
- (b) Development applications must include a *site analysis* which provides information about the site and its surroundings that are relevant to the proposed development:
 - (i) Details of the site, addressing provisions of the *Hunters Hill LEP 2012* and any applicable State Environmental Planning Policy, and including dimensions, existing topography and rock outcrops, existing trees and vegetation, existing buildings and structures (including fences and retaining walls).
 - (ii) Description of the surrounding natural environment, addressing provisions of the *Hunters Hill LEP 2012* and any applicable State Environmental Planning Policy.
 - (iii) Evaluation of heritage and/or character, according to provisions of the *Hunters Hill LEP 2012* and controls in *Part Two* of this Plan.
 - (iv) Description of residential amenity according to guidelines which are specified by the *Residential Flat Design Code* under *SEPP No 65 – Design Quality of Residential Flat Development*, or according to the controls in *Chapter 3.5 Residential Amenity* of this Plan.
 - (v) For development proposals in business zones: “*description of built form and associated factors which influence pedestrian activity along street frontages in the locality*”.
 - (vi) Diagrams or a written statement which demonstrate how the proposed development has responded to features of the site and surroundings (in particular, existing character as described by *Part Two* of this Plan).

- (c) Development applications must demonstrate that the proposed development satisfies all relevant provisions of this Plan which include:
- (i) Aims & Objectives of this Plan.
 - (ii) Relevant controls in relation to desired character and/or heritage conservation in *Part Two* of this Plan.
 - (iii) The relevant detailed development controls in *Part Three* or *Part Four* of this Plan.
 - (iv) The relevant technical controls in *Part Five* of this Plan.
- (d) The consent authority may accept non-compliance, inconsistency or incompatibility with a control in this Plan:
- (i) Where circumstances of the site or proposed development either prevent or do not demand full compliance, for example steeply sloping topography, shape or orientation of a development site, or siting or form of an existing building upon the site or adjoining the site; and
 - (ii) **Provided that** the development application demonstrates that the proposed development would be consistent with the relevant objectives of that control; and
 - (iii) **Provided also that** the development application demonstrates that quality and effects of the proposed development would be equal to, or better than, a fully-compliant development.
- (e) Development consent may be refused:
- (i) If an application fails to demonstrate compliance with the objectives and controls in this Plan; or
 - (ii) If an application fails to demonstrate conformity with character controls in *Part Two* of this Plan; or
 - (iii) If a development proposal complies only with the numeric controls in this Plan.
- (f) Definitions which apply throughout this Plan are listed in *Appendix i – Dictionary*:
- (i) In this Plan, definitions under the *Hunters Hill LEP 2102* apply if the same words or terms are used by this Plan.
 - (ii) *Appendix i – Dictionary* defines words or terms which are used by this Plan but which are not defined by the *Hunters Hill LEP 2012*.

1.5 DEVELOPMENT APPLICATION REQUIREMENTS

- (a) All development applications must include documents and information which are sufficient for a proper assessment by the consent authority, and as specified by:
- (i) The *Environmental Planning and Assessment Act*.
 - (ii) The *Environmental Planning and Assessment Regulations*.

- (iii) This Plan.
- (b) Consultation with the Council's development assessment officers prior to lodging a development application is recommended:
- (i) At the very least, documents for discussion should include site analysis with schematic plans and building forms.
- (ii) Final or detailed plans are neither necessary nor desirable for the initial consultation with Council officers.

Notes. The Council has three reference documents which provide checklists for submitting development applications. The following documents are available at the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or they may be downloaded at <http://www.huntershill.nsw.gov.au>

- *Development Application Checklist*
- *Guide to Statement of Environmental Effects*
- *Heritage Guidelines*

Consultation with officers at the beginning of the planning process will clarify the Council's expectations and requirements, and is likely to contribute to faster processing of development applications.

PART TWO CHARACTER & HERITAGE OF THE HUNTERS HILL MUNICIPALITY

2.1 PURPOSE OF THIS PART

Part Two of this Development Control Plan provides the basis for planning and assessment of **all** development proposals in the Municipality of Hunters Hill.

Part Two comprises the following chapters which respond directly to provisions of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*:

1. *Chapter 2.2* *Character* identifies significant environmental qualities and features which contribute to the identity of this Municipality, and which apply to all development applications.
2. *Chapter 2.3* *Trees and Vegetation* provides details in relation to conservation and management of existing vegetation which is considered to be a significant element of the Municipality's existing character.
3. *Chapter 2.4* *Heritage Conservation* provides detailed requirements in relation to *heritage items* and *heritage conservation areas* which are identified by the *Hunters Hill LEP 2012*, and which are significant elements of this Municipality's character and identity.

2.2 CHARACTER

2.2.1 INTRODUCTION

This chapter applies to all types of development that are permitted by the *Hunters Hill LEP 2012 (LEP 2012)*.

This chapter emphasises a fundamental objective for successive planning policies that have been adopted by Hunter's Hill Council since the mid-1980's: "*environmental factors which contribute to the unique character and identity of this Municipality should be maintained and enhanced*".

Typically, factors which contribute to character are revealed by site analysis which is a preparatory step in the planning and design of all development proposals. *Part One* of this Plan requires that all development applications must provide a *site analysis* document which addresses elements of the natural, scenic and urban environments which are relevant to each proposed development.

Successive planning policies adopted by Hunter's Hill Council have recognised that character and identity of this Municipality reflect a unique combination of factors which include the underlying natural environment in addition to thematic history and the appearance of suburban settlement.

The *Hunters Hill LEP 2012* has continued the Council's focus upon character as a foundation element of local planning policies. Character is noted by aims of the instrument, and also is specified by zone objectives together with a number of local provisions which must be considered before a development consent may be granted.

The *Hunters Hill LEP 2012* identifies a number of localities with special significance in terms of character where special matters for consideration apply, including *River Front Areas, Foreshore Areas, and Heritage Conservation Areas*.

2.2.2 AIMS & OBJECTIVES OF THIS CHAPTER

This chapter has the following aims and objectives:

- (a) Conserve and enhance character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.
- (b) Maintain and enhance qualities of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality's heritage, scenic quality and environmental identity.
- (c) Complement provisions of the *Hunters Hill LEP 2012* to ensure that future development does not detract from existing character of landscape settings, streetscapes, residential gardens and buildings which contribute to this Municipality's heritage, scenic quality and environmental identity .

2.2.3 EXISTING CHARACTER

Features that influence existing character in the Hunters Hill Municipality provide a background to desired character controls which must be satisfied by all development proposals. In general, the desired character controls seek to maintain and enhance existing character.

Successive planning policies which have been adopted by Hunter's Hill Council over the past thirty years confirm that the existing character and identity of this Municipality may be explained according to four broad themes:

- (a) Natural or scenic qualities which include:
 - (i) Major waterways and tributaries, together with shorelines that are defined by the *Hunters Hill LEP 2012* as *riparian lands*.
 - (ii) Bushland reserves, slopes and foreshores which provide scenically prominent backdrops to waterways, shorelines and nearby residential hillsides, and which are defined as *river front areas* or *foreshore areas* by the *Hunters Hill LEP 2012*.
 - (iii) An extensive tree canopy for *river front areas* in particular, which ensures that building forms or structures do not visually dominate scenically prominent backdrops to waterways.
 - (iv) Rock outcrops and rock platforms are features of some *foreshore areas* and *riparian lands*, and of some properties in *river front areas*.
 - (v) Scenic views and vistas which are available towards waterways, shorelines or bushland reserves from many public places and residential properties, and which include glimpses beneath the tree canopy as well as shared views across residential properties (either between or above existing buildings).

- (b) Streetscapes which comprise the following significant elements:
 - (i) In general, streetscapes are defined by patterns of gardens and building forms which have been influenced by a combination of land use and thematic development history in this Municipality.
 - (ii) Most significant streetscapes occur within 'garden suburb' neighbourhoods that are widely recognised as emblems of this Municipality's identity. Buildings in these neighbourhoods typically date from the mid-Nineteenth Century through to the early-to-mid Twentieth Century, but are screened substantially by the canopies of mature trees which have been established in private gardens and along street verges.
 - (iii) Significant streetscapes also occur within *Heritage Conservation Areas*, where groups of buildings display special qualities in terms of history, culture and/or aesthetics, and where special considerations are specified by *Hunters Hill LEP 2012* in relation to new development.

- (iv) Important streetscapes also occur in neighbourhoods that contain clusters of *contributory items* which are defined by *Appendix ii* of this Plan, where the current consistency of traditional architecture or building forms has produced streetscapes which display a high degree of visual harmony.
 - (v) Front gardens are significant elements of all residential areas, and they establish building setbacks which are relatively consistent across most neighbourhoods, as well as accommodating trees which ensure that most streetscapes are not visually dominated by buildings or structures.
 - (vi) Commercial areas provide local or district landmarks, and range from clusters of neighbourhood shops to ribbons of shop-front development along major roads or facing prominent intersections. Building forms generally maintain the characteristics of traditional 'main street' development which generates high levels of pedestrian and business activity along major street frontages.
- (c) Residential landscapes with the following detailed qualities:
- (i) Private gardens that surround each dwelling are fundamental to the 'green' character and amenity of *river front areas*, *heritage conservation areas* and 'garden suburb' neighbourhoods where streetscapes are not visually dominated by buildings or structures.
 - (ii) Private gardens incorporate *landscaped areas* that surround each building, and that conserve natural features such as rock outcrops and existing trees which are bushland remnants.
 - (iii) Traditionally, *landscaped areas* display an informal 'green character' that maintains topography in a natural or near natural configuration without the need for substantial retaining walls, and without extensive encroachments by paved surfaces or outdoor structures.
 - (iv) On waterfront properties, *landscaped areas* that adjoin *foreshore areas* which are defined by the *Hunters Hill LEP 2012* typically display informal green qualities, with gentle slopes that are contained by low sea walls or rock outcrops, and a predominance of landscaping rather than extensive outdoor structures such as retaining walls, courts, pools or terraces.
- (d) Buildings and architecture which consistently incorporate the following details:
- (i) Typically, built form and architecture are influenced by the age or period of development which has a visible impact upon construction and architectural style, the size and scale of buildings, the forms of roofs and exterior walls, and the architectural embellishment of exteriors.
 - (ii) In this Municipality, existing buildings which date from the mid-Nineteenth Century through to the early-to-mid Twentieth Century are valued highly for their contribution to European and architectural heritages, and these buildings are widely considered to provide design cues for the desired scale and architectural character of future development.

- (iii) Pitched roofs with eaves are consistent features for most periods of residential development in this Municipality, although roof pitches tended to vary according to prevailing construction technology and architectural style.
- (iv) Street facades which are 'animated' by verandahs, living room windows and front doors also are consistent features for most of the architectural periods and types of traditional residential development which occur in this Municipality.
- (v) Details which are common to residential and commercial buildings include a predominance of masonry facades that are 'punctured' by vertically proportioned windows (rather than extensive glazed walls), balconies which are framed structures rather than glazed cantilevers, exterior materials and finishes which employ earthy or medium-to-dark tones, and street elevations which are not visually dominated by garages or driveways.
- (vi) Commercial developments traditionally incorporate simple rectilinear building forms, often with skillion roofs that are concealed by parapets, and always with shop-front windows which face their immediate street frontage. Developments from the late-Nineteenth Century onwards incorporate awnings or verandahs above the street footpath, and often comprise two storey buildings with residential accommodation above ground floor shops.

2.2.4 DESIRED CHARACTER

All development applications must demonstrate satisfactory responses to controls for desired character in this Plan which complement requirements of the *Hunters Hill LEP 2012*:

- (a) Aims of the instrument: clause 1.2.
- (b) Zone objectives: clause 2.3.
- (c) Objectives for principal development standards in relation to height and floor space ratio: respectively clauses 4.3 and 4.4.
- (d) Conservation and management of trees and vegetation: clause 5.9.
- (e) Development of *heritage items* and *heritage conservation areas*: clause 5.10.
- (f) Development on river front areas: clause 6.7.
- (g) Minimum street frontage for medium density residential development: clause 6.8.
- (h) Landscaped area for dwelling houses and secondary dwellings: clause 6.9.

The following controls for desired character apply to all development proposals:

- (a) Desired natural character and scenic quality:
 - (i) In general, existing site features which contribute to existing natural character or scenic quality should be conserved and enhanced, and new building forms should not visually dominate *river front areas* or *foreshore areas* which are defined by the *Hunters Hill LEP 2012*.

- (ii) Environmental impacts that would have adverse visual effects in terms of existing natural character or scenic quality should be avoided by all development proposals in *foreshore areas*, *riparian lands*, or *river front areas* that are defined by the *Hunters Hill LEP 2012*.
- (iii) Visual impacts of development proposals in *river front areas* which are defined by the *Hunters Hill LEP 2012* should be minimised by appropriate siting of proposed structures and by low impact construction which would maintain and enhance existing natural features such as natural or near natural topography, bushland or individual trees which are bushland remnants, and rock outcrops or shoreline rock platforms.
- (iv) Existing scenic qualities of *river front areas* and prominent ridges should be maintained and enhanced by development proposals that would conserve existing trees together with visual continuity of the existing 'green canopy' that limits visual impacts of buildings or structures from surrounding vantage points on waterways and residential hillsides.
- (v) Existing trees that are scenically prominent features of *river front areas* and prominent ridges should be conserved by providing *landscaped areas* around every building or paved area, and by maintaining existing topography within those *landscaped areas*, as well as by ensuring that any proposed excavation would be confined predominantly beneath a *building footprint*.
- (vi) In *river front areas* and along prominent ridges, existing views and vistas toward a waterway or shoreline that are available from any public place or residential property should be maintained, or should be 'shared' by appropriate siting and form of proposed buildings (views that should be shared include existing glimpses which are available beneath tree canopies, and above or between existing buildings that are located upon another property).
- (b) Desired streetscape character:
- (i) In general, proposed developments should maintain and enhance the character of existing streetscapes which contribute to identity and history of the Hunters Hill Municipality.
- (ii) Streetscape character of *heritage conservation areas* and *heritage items* should respond to requirements that are specified by the *Hunters Hill LEP 2012* and *Chapter 2.4 Heritage* of this Plan.
- (iii) In areas with special qualities that contribute to identity of the Hunters Hill Municipality, the siting and form of proposed developments should demonstrate **very high** levels of compatibility with established patterns of gardens and buildings:
- *Heritage conservation areas* that are defined by the *Hunters Hill LEP 2012*.
 - 'Garden suburbs' where existing residential buildings range from the mid-Nineteenth Century through to the early-to-mid Twentieth Century.

- Neighbourhoods that accommodate clusters of *contributory items* which are listed by *Appendix ii* of this Plan.
- (iv) In general, proposed residential developments should demonstrate reasonable compatibility with the predominant pattern of existing dwellings or buildings in the surrounding neighbourhood:
- Setbacks for proposed buildings and structures should be similar to the immediate neighbours, and front setbacks in particular should remain relatively consistent along the surrounding street frontage.
 - Proposed front gardens should have dimensions which would be sufficient to accommodate a green backdrop to their street frontage, and should not be visually enclosed by fences that would be tall or visually incompatible with the scale or character of existing fences nearby.
 - The form of proposed buildings and roofs should incorporate a degree of articulation which is **similar** to existing traditional residential buildings nearby, and the alignments of exterior walls should not be long or continuous without incorporating any visible break or stepping.
 - The principal roofs of all residential buildings should incorporate eaves and should be pitched, although pitches do not need to be identical with neighbouring or nearby buildings (except in a *heritage conservation area*).
 - In residential localities where existing development is predominantly single storey: any proposed two storey element should not visually dominate the immediate street frontage, and also should not be visually intrusive when viewed from a nearby public place or waterway.
- (v) Proposed commercial developments should demonstrate reasonable compatibility with predominant patterns of existing buildings nearby:
- Setbacks for lower storeys of any proposed street facade should be the same as, or similar to, existing traditional shop buildings nearby.
 - Proposed walls which would face a residentially zoned property should have side and/or rear setbacks to accommodate a screen of 'deep soil landscaping' between neighbouring buildings.
 - Heights of proposed front facades should be compatible with existing commercial or mixed-use buildings nearby.
 - Proposed side and/or rear facades that would adjoin a residential building should be compatible with the height of those neighbouring residential buildings.

- Compatibility with the height of existing buildings may be achieved where new developments incorporate a pronounced setback between lower storeys and any upper storeys that would be taller than those existing buildings.
- (c) Desired residential landscape character:
- (i) In general, existing character of residential localities should be maintained and enhanced by providing *landscaped areas* **around** each building or paved area:
- *Landscaped areas* should conserve existing trees or accommodate new landscaping.
 - Existing trees and new landscaping should ensure that new building forms would not visually dominate any existing streetscape or landscape setting.
- (ii) In *river front areas* and 'garden suburb' neighbourhoods in particular, the predominantly informal character of existing gardens should be maintained:
- Existing rock outcrops and slopes should be maintained to avoid the need for tall retaining walls that would be visually prominent.
 - Existing trees which are visually prominent features of the surrounding locality should be retained, and in conjunction with new trees and shrubs, should provide attractive backdrops to waterways and streets as well as 'green separation' between neighbouring properties.
 - In *river front areas*, *landscaped areas* between a shoreline and any building should not incorporate extensive paved areas, terraces, swimming pools, tennis courts or outdoor structures unless those areas or structures can be screened by existing trees or proposed plantings.
 - Along street frontages, fences or walls generally should be consistent with the scale, construction and design character of traditional fences nearby.
- (d) Desired character of buildings and architecture:
- (i) In general, the form and architectural character of development proposals should be compatible with existing traditional buildings which were constructed in this Municipality between the mid-Nineteenth Century and the early-to-mid Twentieth Century (including residential, commercial and civic buildings).
- (ii) Existing character of residential localities should be maintained and enhanced:
- For proposed facades which would be visible from a waterway or public place: style and level of architectural detail should be consistent **or** compatible with existing traditional buildings nearby.

- Proposed facades should not be visually dominated by wide garages or by exposed basements.
- (iii) Existing character of commercial centres should be maintained and enhanced:
- Proposed street facades should incorporate features of traditional main street development which contribute to high levels of business and pedestrian activity such as near continuous shopfronts, street lobbies, awnings and balconies.
 - The width of proposed driveways and location of proposed on-site parking should not interrupt the continuity of shopfronts and street lobbies which maintain high levels of business and pedestrian activity along all street frontages.
- (iv) Design of visually prominent exterior walls for both residential and commercial buildings should be compatible with the architectural character of traditional buildings that are located nearby:
- New walls predominantly should be masonry construction with windows that are set into vertically proportioned openings, and facades that incorporate ribbons of windows or extensive glazed balcony balustrades should not be visually prominent.
 - Exterior finishes predominantly should incorporate earthy or medium-to-dark tones.

Notes. An effective definition of 'compatibility' is provided in the *Planning Principle* which has been published by the NSW Land and Environment Court in relation to *Surrounding Development* (see paragraphs 22 to 30). That *Planning Principle* provides reasonable latitude for contemporary architectural design.

Existing buildings which might not be consistent or compatible with the desired traditional architectural character do not establish a rationale for significant variation of desired character controls.

2.3 TREES & VEGETATION

2.3.1 INTRODUCTION

This chapter applies to all trees and vegetation within the Hunters Hill Municipality which contribute significantly to the character and identity of this Municipality which is explained in this Plan by *Chapter 2.2 Character*. Significant trees and vegetation also include bushland which is located in public parks or reserves, and in private gardens.

This chapter provides controls which apply to development proposals, as well as requirements for the management of existing trees and vegetation by way of pruning, cutting down and removal, lopping or ringbarking.

Provisions of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)* and controls in this Plan require that character and identity of established neighbourhoods in this Municipality must be maintained and enhanced. These requirements have direct implications for the conservation of existing trees and vegetation which are widely recognised as significant elements of established neighbourhoods in the Hunters Hill Municipality.

Provisions of the *Hunters Hill LEP 2012* which apply to development proposals include clause 6.7 which requires the conservation of existing trees in *river front areas* in order to minimise the visual impacts of new buildings in these scenically prominent locations.

Provisions of the *Hunters Hill LEP 2012* also affect the proposed management or maintenance of existing trees and vegetation. Clause 5.9 requires that a development consent or a permit is obtained from Hunter's Hill Council before affecting any vegetation that is *prescribed* by this chapter **unless** an exemption has been specified by the *Hunters Hill LEP 2012*.

The *Environmental Planning and Assessment Act* provides for significant penalties in relation to vegetation management works which have been undertaken without a development consent or permit. Hunter's Hill Council considers that vegetation management works without approval are a serious matter, and has a long standing commitment to investigating and prosecuting all reported incidents.

2.3.2 AIMS & OBJECTIVES OF THIS CHAPTER

This chapter has the following aims and objectives:

- (a) *Prescribe* trees and vegetation which require a development consent or a permit from Hunter's Hill Council before removal or management works may commence.
- (b) In relation to development proposals:
 - (i) Complement provisions of the *Hunters Hill LEP 2012* and controls of this Plan regarding desired character for the Municipality.
 - (ii) Support aims and requirements of Commonwealth and State legislation regarding species of flora and fauna which have been identified as rare, threatened or vulnerable, and ecological communities which are endangered.
- (c) In relation to management of trees and vegetation by way of pruning, lopping, cutting down and removal, ringbarking, destruction or injury:
 - (i) Complement provisions of the *Hunters Hill LEP 2012* in relation to statutory procedures and areas with special qualities.

- (ii) Specify vegetation or situations which do not require consent before management works may commence.
- (d) Provide details for applications which seek a development consent or permit to remove or manage trees or vegetation which are *prescribed* by this Plan.

2.3.3 VEGETATION WHICH IS PRESCRIBED BY THIS PLAN

Vegetation which is *prescribed* by this Plan requires a development consent or a permit from Hunter's Hill Council before pruning or lopping, cutting down or removal, ringbarking, destruction or injury, according to clause 5.9 of the *Hunters Hill LEP 2012*.

The following vegetation is *prescribed* by this Plan:

- (a) Any vegetation which has a height of 4 metres or more.
- (b) Any vegetation which has a stem diameter of 200mm or more, measured 1.4 metres above *ground level (existing)*.
- (c) *Bushland* or individual plants which are bushland remnants:
 - (i) On properties which adjoin Buffalo Creek Reserve or Boronia Park Reserve.
 - (ii) Including species that are listed as rare, vulnerable or threatened according to the Commonwealth *Environmental Protection and Biodiversity Conservation Act*, or the NSW *Threatened Species Conservation Act*.
- (d) Vegetation on lands which are defined by the *Hunters Hill LEP 2012* as having *biodiversity* or *high biodiversity significance*.
- (e) Trees which are listed as a *heritage item* by the *Hunters Hill LEP 2012*.
- (f) Trees which are listed by the *Hunters Hill Significant Tree Register*.

Notes. *Ground level (existing)* is defined by the *Hunters Hill LEP 2012*.

In this chapter, *bushland* is defined as vegetation which either is the remainder of natural vegetation upon the site, or vegetation which has been altered but remains representative of the site's natural vegetation in terms of structure and floristics.

A copy of the *Hunters Hill Significant Tree Register* may be obtained from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or downloaded at <http://www.huntershill.nsw.gov.au>

2.3.4 DEVELOPMENT PROPOSALS

Existing trees and vegetation which are *prescribed* by this Plan, and which the Council considers to have a *high retention value*, should be conserved by the appropriate location and construction of proposed buildings or structures, together with associated services and construction activities.

Note. *Retention value* is defined by *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.

Proposed buildings or structures, and associated services, works or construction activities, should not affect any existing trees or vegetation that are required to be conserved according to provisions of the *Hunters Hill LEP 2012* or according to this Plan:

- (a) Proposed buildings, structures and services should be setback from *tree protection zones (TPZs)* and *critical root zones (CRZs)* which are defined by *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.
- (b) *Ground level (existing)* within a *TPZ* should not be altered by excavation or filling.
- (c) Construction access and stockpiles (excavated soil or construction materials), should not encroach upon a *TPZ*.
- (d) If works or access are proposed within a *TPZ* or *CRZ*, the development application should provide technical information in relation to encroachment considerations which are specified by *AS 4970-2009 Protection of Trees on Development Sites*.

Notes. According to *AS 4970-2009 Protection of Trees on Development Sites*, a *tree protection zone* covers those portions of a tree's roots and crown which are essential for viability and stability, and includes a *critical root zone*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

2.3.5 MANAGEMENT OF TREES & VEGETATION

Activities that require development consent or a permit

A development consent or a permit from the Council is required before commencing the following activities that would affect trees or vegetation which are *prescribed* by this Plan:

- (a) Pruning.
- (b) Cutting down and removal.
- (c) Lopping, ringbarking, destruction or injury.

The following activities would be likely to injure or destroy trees or vegetation which are *prescribed* by this Plan:

- (a) Construction works within a *tree protection zone (TPZ)* or a *critical root zone (CRZ)* that have been determined by the *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*, including:
 - (i) Alteration of existing ground levels by excavation or filling.
 - (ii) Erection of a building or structure, or other construction works.
 - (iii) Installation of services.
 - (iv) Access by heavy machinery or the location of stockpiles (excavated soil or construction materials).
- (b) Other works or activities within a *TPZ* or *CRZ* which would compromise the *retention value* of a tree, including:

- (i) Application or disposal of poisons, herbicides or chemicals that are toxic to vegetation.
- (ii) Fastening of materials that would encircle or restrict normal vascular functioning in trunks, stems or branches.
- (iii) Insertion of sharp objects such as nails, wire and staples, climbing spikes or spurs.

Notes. *Australian Standard AS 4970-2009 Protection of Trees on Development Sites* defines *tree protection zone* as the combination of *root protection area* (which includes a *critical root zone*) and *crown area*.

AS 4970-2009 also defines *retention value*.

Activities that do not require development consent or a permit

Activities or situations that are specified by clauses 5.9(5) or 5.9(6) of the *Hunters Hill LEP 2012* do not require a consent or permit before vegetation may be pruned or lopped, cut down or removed, ringbarked, destroyed or injured.

The following activities are consistent with the scope of exemptions that are specified by the *Hunters Hill LEP 2012* and State legislation, and also do not require consent or a permit before vegetation may be pruned or lopped, cut down or removed, ringbarked, destroyed or injured:

- (a) Emergency works carried out for safety reasons:
 - (i) Under the *Fire Brigade Act*, the *State Emergency Service Act*, or the *State Emergency & Resource Management Act*.
 - (ii) Works by or on behalf of Hunter's Hill Council or the State Emergency Services.
- (b) Removal or pruning works:
 - (i) Under the *Electricity Supply Act*, the *Electrical Supply (General) Regulation*, or the *Electricity Safety Act*.
 - (ii) Under the *Roads Act*.
- (c) Bushfire hazard reduction works carried out under the *Rural Fires Act*, including removal or pruning.
- (d) Council maintenance works:
 - (i) Preventing structural damage to Council assets such as pavements, kerbs, footpaths and drains, including removal or pruning.
 - (ii) Management of noxious weeds and species that are listed by *Table 2.1 Exempt Species*.
 - (iii) Providing clearance from buildings, roads and pedestrian paths which are managed by the Council.
- (e) Building clearance works generally:

- (i) Reduction pruning in accordance with *Australian Standard AS 4373-2007 Pruning of Amenity Trees*.
 - (ii) Limited to works that would provide a maximum clearance of 2 metres from a roof or from the external face of a building, together with pruning of branches that are less than 50mm in diameter at the branch collar.
- (f) Clearance for vehicle and pedestrian access:
- (i) Crown lifting in accordance with *Australian Standard AS 4373-2007 Pruning of Amenity Trees*.
 - (ii) Limited to works that would provide a maximum clearance of 2.4 metres above a public pedestrian path or road, together with pruning of branches that are less than 50mm in diameter at the branch collar.

Types of vegetation that do not require development consent or a permit

The following vegetation is **not prescribed** by this Plan, and a consent or permit is **not required** before the specified types of vegetation or species may be pruned or lopped, cut down or removed, ringbarked, destroyed or injured:

- (a) Noxious weeds:
- (i) Removal, pruning, control or eradication of species that have been declared noxious plants within the Hunters Hill Municipality under the *Noxious Weeds Act*.
- Note.** Plants that are declared noxious in this Municipality are listed by the NSW Department of Primary Industries:
<http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/noxweed>
- (b) Exempt species:
- (i) Removal of any species listed in Table 2.1 except trees or vegetation that are located upon a property which is listed as a *heritage item* by the *Hunters Hill LEP 2012*.

Table 2.1: Exempt species

<i>Botanical name</i>	<i>Common name</i>
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia podalyrifolia</i>	Mount Morgan Wattle
<i>Acacia saligna</i>	Golden Willow Wattle
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Cinnamomum camphora</i> (except where over 10m metres in height)	Camphor Laurel

Botanical name	Common name
<i>Celtis</i> spp. (except where over 10 metres in height)	Hackberry
<i>Cotoneaster</i> spp.	Cotoneaster
<i>Eriobotrya japonica</i>	Loquat Tree
<i>Erythrina</i> spp. (except where over 10 metres in height)	Coral Trees
<i>Ficus elastica</i>	Rubber Tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Grevillea robusta</i>	Silky Oak
<i>Lagunana patersonii</i>	Norfolk Is. Hibiscus
<i>Ligustrum lucidum and cvs</i>	Large Leaf Privet
<i>Ligustrum sinense</i>	Small Leaf Privet
<i>Liquidambar styraciflua</i> (except where over 10 metres in height)	Liquidambar
<i>Musa cavendishii</i>	Banana
<i>Nerium oleander</i>	Oleander
<i>Olea europaea</i> ssp. <i>cuspidata</i>	African Olive
<i>Pinus radiata</i>	Radiata Pine
<i>Pinus eliottii</i>	Slash Pine
<i>Populus</i> spp. (except where over 10 metres in height)	Poplar
<i>Robinia pseudoacacia</i>	Black Locust
<i>Salix</i> spp.	Willow
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffianum</i>	Cocos Palm

- (c) Hedges: annual maintenance involving pruning works of less than 500mm in relation to existing height, width or depth, and where branches to be pruned are less than 30mm in diameter.

- (d) Dead trees: may be removed unless that tree contains nesting hollows for native fauna.
- (e) Deadwood: removal of dead branches from any tree in accordance with *AS 4373-2007 Pruning of Amenity Trees*.

Note. In relation to proposed removal of dead trees and/or deadwood, ensure that the tree or branches are not leafless because the tree is deciduous.

2.3.6 APPLICATIONS & ASSESSMENT

Types of application

An application must be submitted to Hunter's Hill Council in order to obtain a development consent or a permit prior to the removal or management of vegetation or trees which are *prescribed* by this Plan.

The following types of application are required:

- (a) A *Development Application* is required in the following situations:
 - (i) In conjunction with the proposed development of a building or structure that requires the Council's consent.
 - (ii) On a property that is located within a *heritage conservation area* which has been listed by the *Hunters Hill LEP 2012*.
 - (iii) Upon a property which has been listed as a *heritage item* by the *Hunters Hill LEP 2012*.
- (b) In all other situations, a *Tree Permit Application* may be used.

Content of all applications

Applications must provide sufficient information for the Council to assess proposals to remove existing vegetation or proposed tree management works:

- (a) Written authorisation by the owner of the land which accommodates the vegetation that is proposed to be removed or managed, or that is likely to be affected by a proposed development:
 - (i) Where the affected property has a Strata or Company Title, written authority must be provided by the responsible officer of the Owners' Corporation or by the Company Secretary.
- (b) Applications which propose to remove existing trees should include an evaluation of *retention value* consistent with *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*, including reference to the following:
 - (i) Health and structural condition.
 - (ii) Landscape significance, including reference to desired character controls which are specified by *Chapter 2.2 Character* in this Plan.

- (iii) Proximity to existing buildings or structures or services.
- (c) Applications may require technical reports such as:
 - (i) Arboricultural report prepared by an AQF Level 5 Arborist.
 - (ii) Pruning specification, supporting an arboricultural report, and prepared by an AQF Level 5 Arborist.
 - (iii) Engineering report prepared by a qualified structural engineer.
 - (iv) Drainage report, prepared by qualified hydraulic engineer or a licensed plumber, and including a diagram of lines or pipes in relation to existing trees.
 - (v) Other reports which address unusual circumstances of the site or vegetation which would be affected by tree management works.
- (d) Pruning specifications and/or arboricultural reports are required for the following situations or species:
 - (i) *Bushland* or individual plants which are bushland remnants, in particular vegetation that occurs on properties or sites which adjoin Buffalo Creek Reserve or Boronia Park Reserve.
 - (ii) Plant species that are listed as *rare*, *vulnerable* or *threatened* according to the Commonwealth *Environmental Protection and Biodiversity Conservation Act* or the NSW *Threatened Species Conservation Act*.
 - (iii) Trees or vegetation on lands which the *Hunters Hill LEP 2012* defines as *biodiversity* or *high biodiversity significance*.
 - (iv) Trees which are listed as a *heritage item*, or that are located upon a property which is listed as a *heritage item* according to the *Hunters Hill LEP 2012*.
 - (v) Trees which are listed by the *Hunters Hill Significant Tree Register*.
 - (vi) Requests under section 82A of the *Environmental Planning and Assessment Act* for a review of the Council's determination regarding a previous application to remove or manage trees or vegetation.
 - (vii) Other situations or locations where the Council might consider that detailed information is necessary for proper assessment.
- (d) Fees are payable for both development applications and tree permit applications.

Notes. The schedule of fees which are payable for applications may be obtained from the Hunters Hill Administration Centre in Alexandra Street Hunters Hill

Applications in relation to vegetation that is located wholly or partly upon a neighbouring property may be considered **only** if the applicant has obtained written authority from the neighbouring landowner.

Information regarding the resolution of disputes between neighbours regarding the management of vegetation is available from the *NSW Land and Environment Court* website.

Content of development applications which involve building works

Development applications which involve building works, and that propose to remove or affect *prescribed vegetation*, must provide the following documents (in addition to the information which is required for all applications):

- (a) *Site analysis* documents that are required by *Part One* of this Plan should identify existing trees and vegetation in terms of:
 - (i) Location and species; and
 - (ii) Existing height and *DBH*; and
 - (iii) In relation to trees that would be affected by the proposed development: diameters of the *TPZ* and *CRZ* which have been calculated according to *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.
- (b) In relation to trees which are proposed to be removed, applications should provide an evaluation of *retention value* consistent with considerations or requirements that are specified by *AS 4970-2009 Protection of Trees on Development Sites*, including:
 - (i) Health and structural condition.
 - (ii) Landscape significance, including reference to desired character controls which are specified by *Chapter 2.2 Character* in this Plan.
 - (iii) Proximity to existing buildings or structures or services.
- (c) A *site works plan* which demonstrates that dimensions of the site are sufficient to accommodate proposed works and construction without affecting any *TPZ* or *CRZ*:
 - (i) Locations of existing and proposed buildings and structures, together with new services that would be required (above-ground and below-ground).
 - (ii) Existing trees together with diameters of *TPZs* and *CRZs* which have been calculated by reference to *AS 4970-2009*.
 - (iii) Areas that would be required for construction access and materials stockpiles.

Matters for consideration in relation to all applications

The following matters will be considered by Hunter's Hill Council in relation to applications which propose to prune, cut down or remove, lop or ringbark, destroy or injure any tree or vegetation which is *prescribed* by this Plan:

- (a) Environment and character of the property or locality where works are proposed:

- (i) For trees and vegetation in general, and for trees which are listed on the *Hunters Hill Significant Tree Register*: likely scenic impacts and/or streetscape impacts in relation to controls for desired character that are contained in *Chapter 2.2 Character*.
- (ii) Within a *river front area* that is identified by the *Hunters Hill LEP 2012*: likely impacts in relation to matters that are specified by sub-clause 6.7(3) of the LEP.
- (iii) For *heritage items* and within *heritage conservation areas* that are identified by the *Hunters Hill LEP 2012*: likely impacts in relation to matters that are specified by sub-clause 5.10(4) of the LEP.
- (iv) On lands that have *high biodiversity significance* or *biodiversity significance* according to the *Hunters Hill LEP 2012*: likely impacts in relation to matters that are specified by sub-clause 6.4(3) of the LEP.
- (v) In relation to species of vegetation or fauna which the *NSW Threatened Species Conservation Act* or *Commonwealth Environmental Protection and Biodiversity Conservation Act* specify as rare, endangered or threatened, or part of an *Endangered Ecological Community*: likely impacts in relation to considerations that are specified by those acts.
- (vi) Whether proposed removal or management might be compensated by replacement planting with suitable species, sizes and numbers of plants, in order to maintain and enhance existing landscape character of the surrounding neighbourhood.
- (vii) Whether proposed removal or works would be likely to affect nesting wildlife, and if so, whether nesting fauna might be relocated by a trained wildlife handler or might move naturally away after the nesting season.

Note: If nesting fauna is discovered during the course of approved removal or management of a tree, works must cease until that fauna has been relocated by a trained wildlife handler or has moved naturally away.

- (b) *Retention value* of trees or vegetation which would be affected by proposed management or removal:
 - (i) Health.
 - (ii) Structural condition.
 - (iii) Growing environment, including proximity to buildings or structures.
 - (iv) Age class.
- (c) Likely impact of proposed works in relation to longevity and stability of existing trees:
 - (i) Location and impact in relation to a *tree protection zone (TPZ)* that has been determined according to *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*.

- (ii) Location and impact in relation to a *critical root zone (CRZ)* that has been determined according to *AS 4970-2009*.
 - (iii) Measures that are proposed to mitigate impacts upon a *TPZ* or *CRZ*, consistent with encroachment provisions of *AS 4970-2009*.
- (d) Likely impacts in relation to property, buildings or infrastructure:
 - (i) Whether alternative or engineered solutions could eliminate conflict between structures and roots or branches, for example pier-and-beam footings or permeable paving.
 - (ii) Whether damage to property is relatively minor at present and is unlikely to increase: for example, in relation to driveways, pathways, fences and low retaining walls.
 - (iii) Whether repair or replacement of aged or damaged pipework is financially or technically unviable.
- (e) Impact upon residential amenity:
 - (i) Consent will not be granted for proposed removal or pruning of vegetation in order to eliminate minor shading of a property or dropping of leaves, fruit or bark.
 - (ii) Consent will not be granted for proposed removal or pruning of vegetation in order to provide views.

2.4 HERITAGE CONSERVATION

2.4.1 INTRODUCTION

This chapter provides details of procedures for heritage conservation which complement statutory requirements of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

The *Hunters Hill LEP 2012* identifies *heritage items* and *heritage conservation areas*. Values of *heritage items* and *heritage conservation areas* have been confirmed by detailed studies and inventories that have been prepared by Hunter's Hill Council.

This chapter applies primarily to proposals for the redevelopment of properties which are identified as a *heritage item* or which are located within a *heritage conservation area*. This chapter also applies to development proposals for properties which have no heritage status, but which are located in the vicinity of a *heritage item* or a *heritage conservation area* (and therefore, where redevelopment has the potential to affect heritage values that are defined by the *Hunters Hill LEP 2012*).

Values of *heritage items* and *heritage conservation areas* in the Hunters Hill Municipality relate primarily to hundreds of buildings which date from the Nineteenth Century and the early Twentieth Century, and which demonstrate the evolving history of this Municipality as well as contributing to this Municipality's historic identity. However, *heritage items* and *heritage conservation areas* often include other elements which contribute to the Municipality's historic character and identity such as trees, sandstone walls, kerbs and gutters, culverts and steps.

2.4.2 AIMS & OBJECTIVES OF THIS CHAPTER

This chapter has the following aims and objectives:

- (a) Conserve and enhance cultural heritage which contributes to character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.
- (b) Protect the heritage significance of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality's character, scenic quality and environmental identity.
- (c) Retain evidence of this Municipality's thematic development history by conserving significant elements of environmental heritage.
- (d) Complement heritage conservation provisions of the *Hunters Hill LEP 2012* to ensure that future development does not detract from the significance of *heritage items* and *heritage conservation areas* which are important elements of this Municipality's character and environmental identity.

2.4.3 GENERAL REQUIREMENTS IN RELATION TO HERITAGE

Applications for the redevelopment of a *heritage item*, or a property within a *heritage conservation area*, or a property that has no heritage status but that is located near a *heritage item* or a *heritage conservation area*, should address the following requirements:

- (a) Development proposals must evaluate likely effects in relation to identified values or significance of a *heritage item* and its setting, or the identified values and significance of a *heritage conservation area*:

- (i) Evaluation of likely effects upon heritage significance should address principles of the *ICOMOS (Australia) Burra Charter* which have been adopted by this Plan.
 - (ii) In relation to proposed redevelopment of a *heritage item*, the *Burra Charter* requires proper research of the *heritage item* in terms of its form, components, growth and history, together with an assessment of significance in relation to heritage of the Hunters Hill Municipality.
 - (iii) In relation to a *heritage conservation area*, any proposed change to a building or its surroundings demands proper research of the *heritage conservation area* in terms of identity, history, character, topography and amenity.
- (b) Documents should demonstrate that the proposed development would neither destroy nor detract from qualities which make the *heritage item* and its setting significant, or detract from qualities which make the *heritage conservation area* significant.

2.4.4 DETAILED REQUIREMENTS FOR HERITAGE ITEMS

Proposals for redevelopment of a *heritage item* also should address the following requirements:

- (a) Primary aims are to maintain and enhance qualities that have been documented by a *heritage conservation management plan*.
- (b) Any proposed changes to the existing building should respect the form, scale and materials of the original building, or should be of a very minor extent.
- (c) Proposals which involve substantial extensions are more likely to be acceptable if they would not compromise the integrity or character of the original building:
 - (i) Desirably, extensions should be separated from the original building.
 - (ii) In general, alterations or additions should respect the original building in terms of form and shape, scale, architectural details, materials and finishes.
 - (iii) New works should incorporate an architectural style and details that would complement the original building, and should neither imitate nor visually compete with architectural character of the original building.
 - (iv) Design of alterations or additions should incorporate a simple and unobtrusive architectural style which would neither detract from nor visually dominate the character of the original building.

Note. It is likely that Hunter's Hill Council will **not** support development proposals which involve substantial or total demolition of a *heritage item*.

2.4.5 DETAILED REQUIREMENTS FOR HERITAGE CONSERVATION AREAS

Proposals for redevelopment of a property that is located within a *heritage conservation area* also should address the following requirements:

- (a) Primary aims are to maintain and enhance qualities that have been documented by a *heritage impact statement*.

- (b) Proposed works should neither destroy nor detract from qualities which are influenced by elements of the area's existing character which include:
- (i) Streetscape character and amenity.
 - (ii) Topography and established gardens.
 - (iii) Buildings with pitched roofs.
 - (iv) Facades which incorporate a high proportion of wall-to-window area.
 - (v) Windows and doors that have vertical proportions.
 - (vi) Building colour schemes which do not clash with established garden settings.

Note. It is likely that Hunter's Hill Council will **not** support development proposals which involve substantial or total demolition of a building that is located within a *heritage conservation area*.

2.4.6 ASSESSMENT PROCEDURES FOR HERITAGE CONSERVATION

The *Hunters Hill LEP 2012* specifies that *heritage management documents* may need to be provided by certain development applications:

- (a) Where the proposed development would demolish, alter or affect a *heritage item* or a property that is located within a *heritage conservation area*.
- (b) For redevelopment of a property that has no formal heritage status, but that is located near a *heritage item* or a *heritage conservation area*.

Heritage management documents should be prepared by a qualified heritage architect or heritage planner, and should provide the following information which addresses principles of the *ICOMOS (Australia) Burra Charter*:

- (a) Proposed redevelopment of a *heritage item* requires a *heritage conservation management plan* which documents the following:
 - (i) Significance of the *heritage item*; and
 - (ii) Conservation policies and management techniques which are necessary to maintain significance of that item.
- (b) Proposed redevelopment within a *heritage conservation area* or in proximity to a *heritage item* or a *heritage conservation area* requires a *heritage impact statement* which documents the following:
 - (i) Significance of the item or area that would be affected; and
 - (ii) Evaluates the likely impact of the proposed development in relation to significance of the item or area that would be affected; and
 - (iii) Techniques which would minimise impacts.

- (c) All development proposals that would affect a *heritage item* or a *heritage conservation area* (including any property that is located near a *heritage item* or a *heritage conservation area*) must provide detailed responses to matters for consideration and principles which are specified by the *Hunters Hill LEP 2012* and this Plan.

Development applications which are submitted to Hunter's Hill Council, and which involve proposals for development that are likely to affect heritage values, will be reviewed by the Council's *Conservation Advisory Panel (CAP)*:

- (a) The CAP primarily provides recommendations to the Council in relation to likely heritage impact of development proposals, but also provides heritage conservation advice to landowners, applicants and architects.
- (b) The CAP meets monthly, and its recommendations are considered by the Council prior to the determination of development applications which are likely to affect heritage values.

Before lodging an application for development which would be likely to affect the value of a *heritage item* or a *heritage conservation area* that are listed by the *Hunters Hill LEP 2012*, applicants are encouraged to consult Council's Planning Officers:

- (a) As the basis for effective discussion with the Council's heritage adviser or the CAP, preliminary sketches should be guided by a *heritage conservation management plan* or a *heritage impact statement*, and should incorporate sufficient detail to address heritage values that have been identified.
- (b) Preliminary sketch plans should not provide final details and, at the very least, should include a locality plan which describes adjoining properties and buildings (in particular, any *heritage items*) together with a site plan, plus elevations and sections which describe the intent of proposed building works.

PART THREE RESIDENTIAL DEVELOPMENTS

3.1 PURPOSE OF THIS PART

Part Three of this Development Control Plan provides detailed requirements and guidelines which apply to all types of residential development within the Hunters Hill Municipality, including subdivision of land which is zoned residential.

Part Three comprises the following chapters:

1. *Chapter 3.2* *Bushland Localities* provides detailed controls for development on properties in Barons Crescent that adjoin *Buffalo Creek Reserve* and/or *Boronia Park Reserve*.
2. *Chapter 3.3* *Dwelling Houses, Secondary Dwellings & Ancillary Works* specifies controls that apply generally to low density residential developments.
3. *Chapter 3.4* *Multi-unit Residential* provides general controls for dual occupancy, multi dwelling housing and residential flat buildings, as well as special controls for the Ryde Road Precinct which adjoins the Hunters Hill Village.
4. *Chapter 3.5* *Residential Amenity* is relevant to all types of residential accommodation.
5. *Chapter 3.6* *Garages & Carports* provides guidelines for the location and design of new garages, carports and car parking areas in residential zones.
6. *Chapter 3.7* *Fences* presents guidelines for the location and design of new fences in residential zones.
7. *Chapter 3.8* *Subdivision* applies to all types of subdivision in residential zones within the Municipality.

3.2 BUSHLAND LOCALITIES

3.2.1 INTRODUCTION

This chapter applies to residential developments on properties in Barons Crescent that adjoin *Buffalo Creek Reserve* and/or *Boronia Park Reserve*.

Developments in these locations might include:

- (a) *dwelling houses*
- (b) *dual occupancy*
- (c) *secondary dwellings*
- (d) new developments or alterations and additions to existing buildings.

This chapter aims to provide detailed development controls that complement provisions of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)* and the provisions in other chapters of this Plan which relate to residential development in general.

Development consent is required for all residential developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Applications for residential development in the area which is covered by this chapter must address requirements of the *Hunters Hill LEP 2012* together with other parts and chapters of this Plan which are relevant:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality.*
- (b) *Chapter 3.3 Dwelling Houses, Secondary Dwellings & Ancillary Developments.*
- (c) *Chapter 3.5 Residential Amenity.*
- (d) *Chapter 3.6 Garages & Carports.*
- (e) *Chapter 3.7 Fences.*
- (f) *Part Five General Controls.*

Notes. Lands which are covered by this chapter are defined as bush fire prone. All development applications for those lands must provide a detailed assessment of bush fire hazard and protection measures according to requirements that are specified by *Planning for Bush Fire Protection (2006)* published by the NSW Rural Fire Service.

A copy of that document and supporting information may be downloaded from <http://www.rfs.nsw.gov.au>

3.2.2 OBJECTIVES OF THIS CHAPTER

General objectives for development are to:

- (a) Maintain and regenerate areas of natural bushland which define the essential character of this area.
- (b) Ensure that impacts of development, considered individually and cumulatively, do not adversely affect bushland, downstream water quality, landscape character, wildlife corridors and environmentally or visually sensitive areas over the short and long terms.
- (c) Minimise negative impacts of subdivision and residential development.
- (d) Encourage innovative and attractive designs which acknowledge the importance of bushland areas, and which protect and enhance visually and environmentally sensitive areas, natural landscape features, and sites with natural and cultural significances.

Detailed objectives for development are to:

- (a) Ensure that scale, form and siting of buildings, together with colours, building materials and landscape design are appropriate for, and harmonise with the bushland character of this area.
- (b) Ensure that bushfire protection measures are contained within a perimeter road or within a property's boundaries, and are undertaken in conjunction with appropriate environment controls that minimise adverse impacts on bushland and downstream water quality.
- (c) Retain and protect environmentally and visually significant areas of remnant bushland which contain plant communities and native fauna that once were prevalent in this locality.
- (d) Protect public and private bushland from development which could result in altered moisture conditions, increased nutrient levels, soil movement and invasive or inappropriate plant species.
- (e) Encourage the retention, enhancement and re-establishment of bushland, particularly in areas of visual or environmental sensitivity, in wildlife corridors and in other areas as links between bushland reserves.
- (f) Maintain and enhance the natural character of the landscape and scenic quality, particularly remnant or significant vegetation and rocky outcrops.
- (g) Maintain the district, bush and water views from roads.
- (h) Improve access to public bushland and the Great North Walk.
- (i) Ensure that development respects topography and natural features, and does not "smother" or obscure those features: built elements should blend with the landscape and should not dominate; building materials should be unobtrusive and marry in with the leafy character of this area.
- (j) Allow flexibility in design and roof forms so as not to exceed the tree canopy level.

- (k) Provide a set of development controls that achieve the aims of this Plan in relation to building form, position, colours and materials; hard surface areas; stormwater disposal; soil erosion control and sediment transmittal and landscape material.

3.2.3 HABITAT & NATIVE FAUNA

On sites which are covered by this chapter, all development proposals should satisfy the following restrictions and requirements:

- (a) All development applications must address the requirements of State and Federal legislation which apply to conservation of fauna.
- (b) All development applications should evaluate likely impacts upon fauna species which State or Federal legislation has identified as threatened or vulnerable, and where necessary, should include a *species impact statement* which has been prepared by a suitably qualified ecologist.

3.2.4 DEVELOPMENT CONTROLS FOR THE SITE

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Minimum subdivision lot size* is specified by clause 4.1.
- (b) *Landscaped area for dwelling houses and secondary dwellings* is specified by clause 6.9.

Restricted zone

Development proposals should satisfy the following requirements which apply to the *restricted zone* upon each site:

- (a) The *restricted zone* is defined as the portions of a development site which would be located between the *mean high water mark* and the *foreshore building line*.
- (b) Built upon area of a site should not be increased.
- (c) Roads or retaining walls should not be constructed.
- (d) Land should not be excavated or filled to an extent which would alter the site's existing levels at any point.
- (e) Bushland should not be damaged or removed, including canopy and understorey species.
- (f) Exotic flora species should not be planted.
- (g) Landscaping works should not be carried out.
- (h) Natural drainage patterns should not be altered.

Notes. *Foreshore building line* is defined by the *Hunters Hill LEP 2012*.

In this chapter, *built upon area* means the portion of a site which contains any built structure (whether covered or uncovered), building, carport, terrace, pergola, swimming pool, tennis court, driveway, parking area or like structure, but which does not contain a minor landscape feature.

Buffer areas

Development proposals should satisfy the following requirements which apply to *buffer areas* upon each site:

- (a) *Buffer areas* are defined as the portions of a development site which would be located between the *foreshore building line* and a line that is 15m above (or further from) the *foreshore building line*.
- (b) Buildings are not permitted within *buffer areas*.
- (c) *Buffer areas* should provide continuity between natural features on a site and surrounding bushland, and should be landscaped with locally indigenous species.
- (d) *Buffer areas* may be used for ancillary works such as outdoor living areas with permeable decks or patios, stormwater detention or absorption pits, runoff controls, services, pathways, filling associated with landscaping, temporary storage of materials, and bushfire fuel breaks.
- (e) Impervious paving should not cover more than 20% of a *buffer area*.

Note. *Foreshore building line* is defined by the *Hunters Hill LEP 2012*.

Asset protection zone

Development proposals should satisfy the following requirements which apply to *asset protection zones* upon each site:

- (a) An *asset protection zone (APZ)* is defined as a fuel reduced area surrounding a building or structure:
 - (i) Which provides a buffer from a bush fire hazard.
 - (ii) Where the reduction of bush fire fuel provides for the suppression of bush fires.
- (b) An *APZ* should be provided adjacent to bushland or adjacent to the bushland setback zone which is specified below (see *Building area*).

Building area

Development proposals should satisfy the following restrictions and requirements which apply to the *building area*:

- (a) The *building area* is defined as the portion of a site which does not include a *restricted zone* or a *buffer area*.
- (b) Structures, including swimming pools and outbuildings, should be confined within the *building area*.

- (c) The location of proposed building works should maximise the conservation of existing natural features which include indigenous plants, established tree cover, and natural topographic features such as rock outcrops, cliffs and escarpments.
- (d) For sites which accommodate a significant natural rock shelf, a 2 metre *bushland setback* should be provided between that shelf and any proposed building works.
- (e) Significant trees within the building area that are proposed to be retained should be protected appropriately during construction.
- (f) Development applications must demonstrate that alternative locations for proposed building works have been considered, and should provide justification for the proposed building location.
- (g) Structural design should respect existing topographical features of the site: extensive earthworks such as levelling, filling and excessive retaining walls, will not be permitted.
- (h) Impervious paving that is proposed within the *building area* should be minimised.

3.2.5 BUILDINGS & ANCILLARY STRUCTURES

Development proposals should satisfy the following restrictions and requirements:

- (a) Swimming pools should be located within the *building area*, and should not protrude unnecessarily above natural ground level.
- (b) Any exposed portion of a swimming pool, tank, support structure or building undercroft should be suitably screened, and should be finished in dark non-reflective colours in order to minimise visual impacts.

3.2.6 LANDSCAPING

Development proposals should satisfy the following restrictions and requirements:

- (a) Plantings within the *restricted zone* and *buffer areas* on each site must be native to Hunters Hill, and preferably should be locally indigenous species that occur in the adjoining bushland reserve.
- (b) Environmental weeds and other invasive plants (particularly berry-bearing species) should not be used for plantings where they would be likely to contaminate adjacent bushland.
- (c) Plantings should not incorporate species that require extensive use of fertiliser which would be likely to contaminate adjacent bushland or nearby watercourses.
- (d) Next to bushland, portions of the *buffer area* on each site should be planted with locally indigenous species in a *vegetation belt* which is 1 to 2 metres wide.
- (e) All development applications must include a landscape plan:
 - (i) Prepared by a qualified landscape architect.
 - (ii) Specifying details of locally indigenous plants that are proposed.

- (iii) Confirming that proposed landscaping does not include garden weed species which would be likely to contaminate adjacent bushland.

Notes. If stormwater absorption trenches are proposed, plantings may help to take up water from those trenches and may reduce scouring which often occurs during prolonged wet periods when trenches are most likely to overflow.

Vegetation belts may help to reduce the spread of garden weeds into bushland.

3.2.7 CONCEPT STORMWATER PLANS

Development proposals should satisfy the following restrictions and requirements:

- (a) All development applications must include a *Concept Stormwater Plan* which satisfies requirements of *Chapter 5.6 Stormwater Management*.
- (b) Appropriate measures should restrict the volume and rate of runoff to levels which, as near as possible, would have existed for a natural site prior to development.
- (c) Stormwater from roofs, driveways and other impervious areas should not be discharged directly into bushland, and should not be discharged without an approved dispersal system.
- (d) Stormwater discharge pipes constructed through bushland will not be approved unless there is no technical alternative.

3.2.8 CONSTRUCTION WORKS

The following restrictions and requirements apply to all residential developments during construction:

- (a) Clearing of natural vegetation on site should be restricted to the immediate construction area.
- (b) Stockpiling of building materials, overburden or any other material within a bushland area upon the development site, and dumping of refuse within a bushland area on the development site or adjacent bushland reserve, are strictly prohibited.
- (c) The applicant is responsible for construction of protective fences between the *buffer area* and bushland:
 - (i) Protective fences are to be maintained during construction.
 - (ii) The minimum standards for protective fences include 1500mm high cyclone wire with suitably attached geotextile fabric.
- (d) Soil erosion, sedimentation and drainage management measures must be implemented according to concept plans that have been approved by the Council, and relevant elements must be in place prior to the commencement of construction:
 - (i) Temporary sediment control structures (e.g. filter cloth fences and straw bale barriers) must be installed within the site to control sediment movement in order to prevent erosion of disturbed areas of the site.

- (ii) All overland flow-paths that are longer than 15 metres should be intercepted by filter fences.
 - (iii) A permanent perimeter drainage structure (e.g. catch drain or diversion bank) should be installed to prevent contaminated runoff from leaving the site, and to prevent runoff entering the site from up-slope areas. Such drains or banks are to be located entirely upon the development site, and shall direct all runoff to an on-site sediment control structure.
- (e) Topsoil and bush rock from the site are to be retained and reused as part of the development:
- (i) Topsoil is to be stripped from areas to be developed and stock piled within the site.
 - (ii) Stockpiles are to be located outside drainage lines and protected from runoff water by suitably positioned diversion banks.
 - (iii) Where the period of storage will exceed 14 days stockpiles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
 - (iv) Any bushrock removed from the construction site is to be retained and placed back on site after construction in locations to Council's satisfaction.
- (f) All disturbed areas which are not to be built upon or otherwise developed are to be rehabilitated to provide permanent protection from soil erosion within fourteen days of final land shaping of each area:
- (i) Land disturbance and rehabilitation activities are to be phased to restrict the area of exposed and disturbed soil at any one point in time.
 - (ii) On disturbed areas which otherwise would remain exposed for more than fourteen days before permanent stabilisation works are undertaken, a temporary cover of mulch should be applied or a dense cover crop utilising sterile/non-seed setting species should be established.
 - (iii) All permanent access roads, driveways and parking areas are to be stabilised with appropriate sub-grade within fourteen days of their formation.
- Note.** Requirements of this section are in addition to matters that are specified by other chapters of this Plan.

3.2.9 BUSHFIRE MANAGEMENT

The following restrictions and requirements apply to all residential developments upon lands that are defined as bush fire prone:

- (a) Development proposals must be planned, constructed and managed according to requirements of the NSW Rural Fire Service.

Note. Bushfire protection guidelines that have been published by the NSW Rural Fire Service may be downloaded at <http://www.rfs.nsw.gov.au>

- (b) Adequate bushfire protection measures should be provided within site boundaries, and should not generate excessive environmental impacts:
 - (i) Protection measures should not increase potential for soil erosion or require the clearing of canopy trees.
 - (ii) Protection measures should be designed in conjunction with appropriate environmental controls in order to minimise adverse impacts upon surrounding bushland or downstream water quality.
- (c) Proposed fire trails and asset protection zones must be located within the boundaries of any proposed subdivision or development site, and may not encroach upon any public open space.
- (d) Building design should minimise bushfire risk by careful consideration of the proposed development:
 - (i) Shape of proposed buildings and roofs.
 - (ii) Location and design of external openings.
 - (iii) Construction in general, including under floor areas.
- (e) Landscape design and the management of landscaped areas should prevent continuous fuel between proposed or approved structures and a site's boundaries that face unmanaged bushland:
 - (i) Tree canopy should not be continuous between the proposed development and site boundaries that face unmanaged bushland.
 - (ii) Branches of existing trees should not overhang the roof of any structure.
 - (iii) Shrubs and ground cover should be reduced to prevent flames transferring from the ground fuels to the canopy where destructive potential is greatest.
 - (iv) Shrubs and ground cover should not contact proposed or approved buildings, and should be gradually reduced within asset protection zones around proposed or approved developments.
 - (v) Unprotected timber piles and wooden structures should not be located within an asset protection zone next to a proposed or approved building.

3.3 DWELLING HOUSES, SECONDARY DWELLINGS & ANCILLARY WORKS

3.3.1 INTRODUCTION

This chapter provides numeric controls which apply generally to low density residential developments that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*:

- (a) *dwelling houses.*
- (b) *secondary dwellings.*
- (c) *works or structures that are ancillary to a low density residential development.*

Applications for residential development which is covered by this chapter must address requirements of the *Hunters Hill LEP 2012* together with other parts and chapters of this Plan which are relevant:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality.*
- (b) *Chapter 3.5 Residential Amenity.*
- (c) *Chapter 3.6 Garages & Carports.*
- (d) *Chapter 3.7 Fences.*
- (e) *Part Five General Controls.*

3.3.2 HEIGHT

Objectives

Objectives in relation to the height of residential developments are:

- (a) Avoid adverse impacts upon an existing residential area which result from excessive height, scale or bulk.
- (b) Ensure that proposed buildings are compatible with height, scale and bulk of the locality's existing and desired characters.
- (c) Maintain and enhance the domestic scale, form and variety which are characteristic of the surrounding residential area.
- (d) Ensure that new developments minimise adverse visual impacts, the obstruction of views, and loss of privacy or sunlight to existing residential development.
- (e) Minimise adverse visual impacts upon any *Heritage Conservation Area* or *Heritage Item* nearby.
- (f) Minimise scenic and visual impacts for new developments within a River Front area that would be visible from the Lane Cove River, the Parramatta River, or from public places such as parks and roads.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Storeys & external walls

Development proposals should comply with the following controls which complement objectives of the *Hunters Hill LEP 2012* in relation to maximum *building height*:

- (a) New buildings, including alterations and additions, should contain not more than two storeys which should be measured in relation to *ground level (existing)* immediately below.
- (b) The height of external walls generally should not be more than 7.2 metres which should be measured in relation to *ground level (existing)* immediately below.

Notes. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

Height of external walls should be measured to the pitching point of the roof (or the lowest eave), but should not include taller portions of an end wall beneath a gable or skillion roof, or walls that enclose a dormer window.

Sloping sites

The following provisions apply to steep sites where the slope of *ground level (existing)* exceeds 1 in 4 (measured perpendicular to contours beneath the proposed building):

- (a) Minor non-compliance with height of external walls might be acceptable if natural features such as rock outcrops significantly exaggerate the slope of *ground level (existing)*, and **provided that** the development proposal would be consistent with:
- (i) Objectives of this chapter that are specified in relation to height; and
 - (ii) Controls for desired character in *Chapter 2.2 Character*.
- (b) Developments should not have the appearance of three habitable storeys, irrespective of numeric compliance with the *maximum building height* which is specified by the *Hunters Hill LEP 2012*.
- (c) Foundations or sub floor areas that would be visible from a waterway or a public place should be enclosed by walls that are designed as a base or plinth for the proposed building, and should incorporate finishes such as sandstone blocks which contrast the texture and colour of exterior walls above.

3.3.3 FRONT, SIDE & REAR SETBACKS

Objectives

Objectives in relation to setbacks for residential developments are:

- (a) Ensure that the siting of new buildings, or of alterations and extensions to an existing building, respects the pattern of setbacks that are characteristic of the surrounding locality, particularly in relation to pre-1930's buildings which define the Municipality's identity.
- (b) Maintain adequate garden space between buildings for compatibility with the Municipality's existing character and to minimise adverse visual impacts for adjacent properties.
- (c) Comply with *foreshore building lines* that are specified by the *Hunters Hill LEP 2012*.
- (d) In *river front areas* that are specified by the *Hunters Hill LEP 2012*: maintain and, where possible, improve views between buildings towards waterways.
- (e) Ensure equitable access to sunlight, privacy and private views.
- (f) Preserve and enhance streetscape character.

Controls

Front boundary setbacks

Development proposals require front boundary setbacks that should comply with the following requirements and numeric controls:

- (a) Front boundary setbacks should be the average of front setbacks for existing buildings that adjoin the development site.
- (b) In areas where single storey buildings are predominant, any proposed second storey should be located:
 - (i) In general, a minimum of 5 metres behind the alignment of the ground floor façade (whether that proposed second storey is part of a new building, or is proposed as an addition to an existing building).
 - (ii) Alternatively, according to compatibility with the existing streetscape character, or in areas which are likely to change, according to the desired streetscape character.

Notes. *Setback* is defined by the *Hunters Hill LEP 2012* (see *building line* or *setback*), and includes all elements or components of a proposed building (whether located above or below ground).

On properties with two or more street frontages, the front boundary is determined by the postal address.

Setbacks from secondary streets or lanes will be determined on merit, but should not be less than the side or rear boundary setbacks that would apply to a standard allotment.

Side boundary setbacks

Development proposals require side boundary setbacks that should comply with the following requirements and numeric controls:

- (a) Generally, side boundary setbacks should not be less than 1.5 metres.
- (b) Side boundary setbacks should provide a staggered alignment for walls that would face a side boundary:
 - (i) The staggered alignment should accommodate windows that are oriented at 90° to the boundary in order to avoid direct overlooking of the neighbouring property.
 - (ii) Where the alignment of side walls is staggered, part of the proposed building may be constructed less than 1.5 metres from the side boundary **provided that** an equivalent portion of the building has a setback which is greater than the required minimum and which also matches the area of the proposed setback encroachment.
- (c) Minimum side boundary setbacks may be reduced for single storey structures, such as carports or garages, provided that the proposed development would be consistent with objectives of this section.

Rear boundary setbacks

Development proposals require rear boundary setbacks that should comply with the following requirements and numeric controls:

- (a) Rear boundary setbacks should be a minimum of 6 metres.
- (b) Single storey buildings may be located within the rear setback.
- (c) Single storey buildings or structures may have a zero setback from a rear boundary **provided that** external walls would not be taller than 2.4 metres above *ground level (existing)*, **and also provided that** the proposed rear wall would not extend along more than 33% of the rear boundary.

Note. The rear boundary is furthest from, and generally parallel to, the street boundary.

Exceptions to setback provisions

Buildings may be permitted to encroach the specified minimum setbacks:

- (a) **Provided that** the proposed development would be consistent with objectives of this Section that are specified in relation to setbacks.
- (b) **Also provided that** the development application demonstrates that privacy and sunshine of the proposed development or adjoining properties would not be compromised by a non-compliant setback.
- (c) Where the circumstances of a site, such as narrow width or irregular shape, make strict compliance impractical.
- (d) For minor structures such as balconies, verandahs or porches.
- (e) For single storey alterations and additions to existing dwelling houses.

3.3.4 LANDSCAPED AREAS

Objectives

Objectives in relation to landscaped areas for residential developments are:

- (a) Conserve the Municipality's character which is defined by detached houses that are set in, and separated by, individual gardens.
- (b) Retain, protect and augment the tree covered environment for which this Municipality is noted.
- (c) Ensure that new developments respect rather than alter the existing steep sandstone topography for which this Municipality is noted.
- (d) Provide gardens that are useful and accessible with adequate sunlight and privacy.
- (e) Protect existing drainage systems from increased stormwater run off.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Landscaped area for dwelling houses and secondary dwellings* is specified by clause 6.9.

Development proposals should provide landscaping which complies with the following requirements and numeric controls:

- (a) At least two thirds of the minimum *landscaped area* that is required by the *Hunters Hill LEP 2012* should be planted with lawns, shrubs and trees, and should not include paved areas such as driveways or patios, or structures such as retaining walls or swimming pools.
- (b) Location of the minimum *landscaped area* that is required by the *Hunters Hill LEP 2012* should accommodate natural features such as existing trees, native understorey and rock outcrops.
- (c) *Landscaped areas* should be planted with species that are compatible with the locality's existing character, and should include canopy trees that are capable of achieving a mature height of 12 metres:

(i)	Sites less than 400m ²	1 tree
(ii)	Sites between 400m ² and 900m ²	3 trees
(iii)	Sites between 900m ² and 1200m ²	5 trees
(iv)	Sites over 1200m ²	7 trees
- (d) In *river front areas* and *foreshore areas* which are defined by the *Hunters Hill LEP 2012*, the area between the mean high water mark and any proposed building or structure should predominantly be landscaped with species that are native, and should not incorporate a formal landscape design which includes retaining walls or other new structures that would be visually prominent.

- (e) On development sites that contain remnant *bushland* or that are located next to remnant *bushland*, *landscaped areas* should be managed to promote natural regeneration of *bushland* species, and any noxious or environmental weeds should be removed.
- (f) *Landscaped areas* should maintain existing topography:
- (i) Cut or fill should not be deeper than 1 metre measured from *ground level (existing)* at any point.
 - (ii) The combined vertical height of cut-and-fill should not exceed 1.5 metres.
 - (iii) Excavation which exceeds these limits typically represents an excessive intrusion upon natural topography.
- (g) The extent of hard paving and outdoor structures should be minimised to avoid concentration of surface water into drainage systems, and should not be visually prominent or intrusive:
- (i) Outdoor structures such as tennis courts and retaining walls should be setback from all boundaries, and should be screened by shrubs or trees from any adjacent public place or neighbouring property.
 - (ii) Swimming pools should be setback at least 1 metre from any boundary, and should not be taller than 150mm above *ground level (existing)*.
 - (iii) Driveways, terraces and paths should incorporate water permeable surfaces that would allow water to percolate through to subsoil, for example wheel strips, 'grass crete', or dry jointed pavers.
 - (iv) Both sides of all driveways should be flanked by planted verges.
- (h) Driveways should be constructed of visually unobtrusive materials that would be compatible with their landscaped surroundings, for example sandstone flagging or paving, oxidised or patterned concrete.
- (i) Existing sandstone walls and retaining walls should be retained and incorporated by design of buildings, garden areas or driveways.
- (j) *Landscaped areas* should provide reasonable residential amenity:
- (i) Areas designed for recreation areas should be accessible to occupants, private, and should receive reasonable sunlight as specified by *Chapter 3.5 Residential Amenity*.
 - (ii) Areas of paving or lawn should have finished levels that are not more than 1.5 metres above or below a storey in the dwelling that they would serve.
- Notes.** *Landscaped area* is defined by the *Hunters Hill LEP 2012*, and does not include any planted area which is constructed above a basement or a storey below.

Other provisions of this Plan might be varied in order to accommodate a development proposal that would retain significant natural features such as existing trees, native vegetation and rock outcrops.

Foreshore building line and ground level (existing) also are defined by the Hunters Hill LEP 2012.

3.4 MULTI-UNIT RESIDENTIAL

3.4.1 INTRODUCTION

This chapter provides controls for the following types of multi-unit residential development that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*:

- (a) *boarding houses*
- (b) *bed and breakfast accommodation*
- (c) *dual occupancy*
- (d) *group homes*
- (e) *multi dwelling housing*
- (f) *residential flat buildings.*

Note. Controls for *shop top housing* are provided by *Chapter 4.3 Commercial Premises & Shop top Housing*.

This chapter aims to provide detailed development controls that complement provisions of the *Hunters Hill LEP 2012*, as well as supporting the provisions of State Environmental Planning Policies which are applicable to particular types of multi-unit residential development:

- (a) Residential flat buildings with three or more storeys:
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings and the associated guideline *Residential Flat Design Code*.
- (b) Affordable housing developments:
State Environmental Planning Policy (Affordable Rental Housing) 2009

Applications for multi-unit residential developments which are covered by this chapter also must address requirements of the *Hunters Hill LEP 2012*, together with any State Environmental Policy that might be applicable to the proposed development, and other parts and chapters of this Plan which are relevant:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality.*
- (b) *Chapter 3.5 Residential Amenity.*
- (c) *Chapter 3.6 Garages & Carports.*
- (d) *Chapter 3.7 Fences.*
- (e) *Part Five General Controls.*

3.4.2 HEIGHT

Objectives

Objectives in relation to the height of multi-unit residential developments are:

- (a) Avoid adverse impacts upon an existing residential area which result from excessive height, scale or bulk.
- (b) Ensure that proposed buildings are compatible with height, scale and bulk of the locality's existing and desired characters.
- (c) Maintain and enhance the domestic scale, form and variety which are characteristic of the surrounding residential area.
- (d) Ensure that new developments minimise adverse visual impacts, the obstruction of views, and loss of privacy or sunlight to existing residential development.
- (e) Minimise adverse impacts upon any *heritage conservation area* or *heritage item* which is listed by the *Hunters Hill LEP 2012*, or any *contributory item* which is listed in *Appendix ii* to this Plan.
- (f) Minimise scenic and visual impacts for new developments within a *river front area* which is defined by the *Hunters Hill LEP 2012*, or for new developments which would be visible from public places such as parks or roads.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following numeric controls which complement objectives of the *Hunters Hill LEP 2012 in relation to height of buildings*:

- (a) Maximum heights for new developments (including alterations and additions) should comply with the number of storeys and height of external walls which are specified by *Table 3.1*, and maximum heights should be measured in relation to *ground level (existing)* below any point of the proposed building.

Table 3.1 Maximum heights for multi-unit residential developments

<i>Height of buildings</i> see Draft LEP 2012 clause 4.3	<i>Number of storeys</i>	<i>External walls</i> measured vertically from ground level (existing)
8.5m	2 storeys	7.2m
11m	3 storeys	9.5m

- (b) Notwithstanding sub-section (a) above, if a dual occupancy development proposes that one dwelling would be located in an area formerly occupied by a back garden, that dwelling should have the following maximum heights:

- (i) One storey.
- (ii) External walls should be a maximum of 3.6 metres.

Notes. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

3.4.3 SETBACKS

Objectives

Objectives in relation to setbacks for multi-unit residential developments are:

- (a) Ensure that the siting of new buildings, or of alterations and extensions to an existing building, respects the pattern of setbacks that are characteristic of the surrounding locality (particularly in relation to pre-1930's buildings which define the Municipality's identity).
- (b) Maintain adequate garden space between buildings for compatibility with the Municipality's existing character and to minimise adverse visual impacts for adjacent properties.
- (c) Comply with *foreshore building lines* that are specified by the *Hunters Hill LEP 2012*.
- (d) In *river front areas* that are defined by the *Hunters Hill LEP 2012*: maintain and, where possible, improve views between buildings towards waterways.
- (e) Ensure equitable access to sunlight, privacy and private views.
- (f) Preserve and enhance streetscape character.

Controls

1. Front boundary setbacks

Development proposals require front boundary setbacks that should comply with the following requirements and numeric controls:

- (a) Front boundary setbacks should be the average of front setbacks for existing buildings that adjoin the development site.
- (b) In general, front boundary setbacks should be consistent or compatible with existing character of the surrounding streetscape.

Notes. *Setback* is defined by the *Hunters Hill LEP 2012* (see *building line* or *setback*), and includes all elements or components of a proposed building (whether located above or below ground).

On properties with two or more street frontages, the front boundary is determined by the postal address.

2. Side boundary setbacks

Development proposals require side boundary setbacks that should comply with the following requirements and numeric controls:

- (a) Side boundary setbacks for *dual occupancies* and *multi dwelling housing* generally should not be less than 1.5 metres, or one third of the height of the exterior walls which would face that boundary (whichever is greater).
- (b) Side boundary setbacks for *residential flat buildings* generally should not be less than 1.5 metres, or one half of the height of the exterior walls which would face that boundary (whichever is greater).
- (c) Side boundary setbacks should provide a staggered alignment for walls that would face a side boundary in order to avoid a “gunbarrel appearance”: portion of a side façade may be setback less than 1.5 metres **provided that** an equivalent portion of the same facade would be setback by more than 1.5 metres over an area which matches the proposed setback encroachment.

3. Rear boundary setbacks

Development proposals require rear boundary setbacks that should comply with the following requirements and numeric controls.

- (a) Rear boundary setbacks should be a minimum of 6 metres.

Note. The rear boundary is furthest from, and generally parallel to, the street boundary.

3.4.4 LANDSCAPED AREAS

Objectives

Objectives in relation to landscaped areas for multi-unit residential developments are:

- (a) Ensure that new developments are compatible with the Municipality’s character which is defined by buildings that are set in, and separated by, gardens.
- (b) Provide space between buildings to protect and augment the tree covered environment for which this Municipality is noted.
- (c) Ensure that new developments respect rather than alter the existing steep sandstone topography for which this Municipality is noted.
- (d) Achieve gardens that are useful and accessible with adequate sunlight and privacy.
- (e) Provide areas of deep soil in order to protect existing drainage systems from increased stormwater runoff.

Controls

Development proposals should provide landscaping which complies with the following requirements and numeric controls:

- (a) For development of a *dual occupancy*: the minimum *landscaped area* is 45% of the site area.
- (b) For development of *multi dwelling* housing or a *residential flat building*: the minimum *landscaped area* is 40% of the site area.
- (c) Calculation of *landscaped area* should not include any land that has a length or a width less than 2 metres.
- (d) At least two thirds of the minimum *landscaped area* that is required should be planted with lawns, shrubs and trees, and should not include paved areas such as driveways or patios, or structures such as retaining walls or swimming pools.
- (e) Location of the required *landscaped area* should accommodate natural features such as existing trees, native understorey and rock outcrops.
- (f) Landscaped areas should be planted with species that are compatible with the locality's character, and should include canopy trees that are capable of achieving a mature height of 12 metres:
- | | | |
|-------|--|---------|
| (i) | Sites less than 400m ² : | 1 tree |
| (ii) | Sites between 400m ² and 900m ² : | 3 trees |
| (iii) | Sites between 900m ² and 1200m ² : | 5 trees |
| (iv) | Sites over 1200m ² : | 7 trees |
- (g) On development sites that contain remnant urban bushland or that are located close to remnant bushland, planted areas should promote natural regeneration of bushland species and should remove any noxious and environmental weeds.
- (h) The extent of hard paving and outdoor structures should be minimised to avoid concentration of surface water into drainage systems, and should not be visually prominent:
- (i) Driveways, terraces and paths should incorporate water permeable surfaces that allow water to percolate through to subsoil, for example wheel strips, 'grass crete', dry jointed pavers or crushed gravel.
- (ii) Both sides of all driveways should be flanked by planted verges.

Notes. *Landscaped area* is defined by the *Hunters Hill LEP 2012*, and does not include any planted area which is constructed above a basement or a storey below.

Other controls in this Plan might be varied in order to accommodate a development proposal that would retain natural features such as existing trees, native vegetation and rock outcrops.

3.4.5 BUILT FORM & FACADES

Objectives

Objectives in relation to built form and the design of facades for multi-unit residential developments are:

- (a) Ensure that proposed buildings are compatible with scale and bulk of the locality's existing and desired characters.
- (b) Minimise adverse visual impacts upon any *heritage conservation area* or *heritage item* nearby.
- (c) Minimise scenic and visual impacts for new developments within a *river front area* that is defined by the *Hunters Hill LEP 2012*, or that would be visible from public places such as a park or road.

Controls

Development proposals should comply with the following requirements:

- (a) Facades should have staggered alignments which avoid lengthy straight planes:
 - (i) Staggered alignments may be achieved by 'averaging' of the required setbacks: portion of a boundary setback may be less than the minimum that is specified by this chapter **provided that** the proposed encroachment would be matched by a setback which is greater than the required minimum, and which would cover an area that is equal to the proposed encroachment.
- (b) Exterior materials and finishes should be compatible with the immediate townscape and landscape contexts.
- (c) Colour schemes should be "understated", and should limit the use of light tones to facade details only.
- (d) For any *dual occupancy* development which involves the alteration or conversion of an existing *dwelling house*, the principal means of access to any top storey dwelling should not be via an external stairway.
- (e) Entrances to each *dwelling* should be identifiable by elements such as gates, front doors and verandahs.

3.4.6 PRIVATE OPEN SPACE

Objectives

Objectives in relation to private open spaces for multi-unit residential developments are:

- (a) Provide areas for private recreation that will enhance residential amenity and environmental quality of the Municipality.
- (b) Ensure that gardens are useful, accessible, and have adequate sunlight and privacy.

Controls

Development proposals should comply with the following requirements and numeric controls:

- (a) For each dwelling in a *dual occupancy* development:
 - (i) Private open space should have a minimum area of 80m².
 - (ii) At least half of the minimum private open space should be located adjacent to the living room, and should have a minimum dimension of 4 metres.
- (b) For each dwelling in a *multi dwelling housing* development:
 - (i) Private open space should have a minimum area of 40m².
 - (ii) At least half of the minimum private open space should be located adjacent to the living room, and should have a minimum dimension of 3 metres.
- (c) For each dwelling in a *residential flat building* development:
 - (i) Private open space should have a minimum area of 10m².
 - (ii) Private open space should be located adjacent to the living room, and should have a minimum dimension of 2 metres.
- (d) Private open spaces should receive reasonable sunlight as specified by *Chapter 3.5 Residential Amenity*.
- (e) Private open spaces should not be located within the front setback area if the required screen facing would detract from existing or desired characters for streetscape.

3.4.7 SPECIAL CONTROLS FOR RYDE ROAD

WHERE THESE CONTROLS APPLY

Adjacent to the *Hunters Hill Village*, zone *R3 Medium Density Residential* includes a special precinct along the north eastern side of Ryde Road which extends from Figtree Road to Gladesville Road, and which is known as *The Ryde Road Precinct*.

STRATEGIC OBJECTIVES

Strategic objectives in relation to the *Ryde Road Precinct* are:

- (a) Provide a transition in scale and density to low density residential areas, heritage items and conservation areas that are located immediately to the north.
- (b) Ensure reasonable compatibility with the underlying historic subdivision pattern via suitably articulated buildings and landscaping.
- (c) Respect the scale and form of existing buildings.

- (d) Minimise amenity impacts upon adjoining properties, particularly in relation to overlooking and visual impact.
- (e) Provide satisfactory landscaping as an element of each development.

HEIGHT

Objectives

Within the *Ryde Road Precinct*, objectives in relation to building height are:

- (a) Respect the scale and form of existing buildings.
- (b) Minimise amenity impacts upon adjoining properties, particularly in relation to overlooking and visual impact.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following requirements which complement objectives of the *Hunters Hill LEP 2012* in relation to *height of buildings*:

- (a) Facing Ryde Road, maximum building height should not exceed two storeys which should be measured in relation to *ground level (existing)* immediately below.
- (b) Buildings may incorporate an attic level that is contained beneath a pitched roof.
- (c) Basement parking should not protrude more than 0.5 metres above existing ground level.

Notes. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

SETBACKS

Objectives

Within the *Ryde Road Precinct*, objectives in relation to setbacks are:

- (a) Provide a transition in scale and density to low density residential areas, heritage items and conservation areas that are located immediately to the north.
- (b) Retain the established pattern of front and rear setbacks.
- (c) Minimise amenity impacts upon adjoining properties, particularly in relation to overlooking and visual impact.
- (d) Accommodate satisfactory landscaping as part of each development.

Controls

Development proposals should comply with the following requirements and numeric controls:

- (a) Front setbacks should be a minimum of 6.5 metres which predominantly should be deep soil that will support large trees and screening vegetation.

Note. *Setback* is defined by the *Hunters Hill LEP 2012* (see *building line* or *setback*), and includes all elements or components of a proposed building (whether located above or below ground).

- (b) Rear setbacks should be:

(i) For the ground floor: a minimum of 6 metres which predominantly should be deep soil that will support large trees and screening vegetation.

(ii) For the first floor (second storey): a minimum of 10 metres.

Note. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level* (*existing*).

- (c) Setbacks from a side boundary should be:

(i) For dual occupancies and multi dwelling housing: generally not less than 1.5 metres, or one third of the height of the exterior walls which would face that boundary (whichever is greater).

(ii) For residential flat buildings: generally not less than 1.5 metres, or one half of the height of the exterior walls which would face that boundary (whichever is greater).

- (d) Permitted encroachments within a front setback or a side setback include driveways or ramps to basement carparking which are setback at least 1 metre from a side boundary.

LANDSCAPED AREAS

Objectives

Within the *Ryde Road Precinct*, objectives in relation to landscaped areas are:

- (a) Retain the established pattern of front and rear setbacks.
- (b) Accommodate satisfactory landscaping as an element of each development.
- (c) Ensure reasonable compatibility with the underlying historic subdivision pattern via suitably articulated buildings and landscaping.
- (d) Minimise amenity impacts upon neighbouring properties, particularly dwellings located beyond a rear boundary, in terms of overlooking and visual impact.

Controls

Development proposals should comply with the following requirements and numeric controls:

- (a) For all developments, the minimum *landscaped area* is 40% of the site area.
- (b) Calculation of *landscaped area* should not include any land that has a length or a width less than 2 metres.
- (c) Landscaped areas should be planted with species that are compatible with the locality's character, and should provide new canopy trees that are capable of achieving a minimum mature height of 12 metres:
 - (i) Sites between 400m² and 900m²: 3 trees
 - (ii) Sites between 900m² and 1200m²: 5 trees
 - (iii) Sites over 1200m²: 7 trees
- (d) Rear setbacks should incorporate evergreen screen plantings that can reach a minimum mature height of 8 metres in order to protect the privacy of residential properties which are located immediately to the north of this precinct.

Note. *Landscaped area* is defined by the *Hunters Hill LEP 2012*, and does not include any planted area which is constructed above a basement or a storey below.

BUILT FORM & FACADES

Objectives

Within the *Ryde Road Precinct*, objectives in relation to built form and the design of facades for multi-unit residential developments are:

- (a) Maintain positive aspects of existing character in this precinct.
- (b) Protect the amenity of adjoining residential properties.

Controls

Development proposals should comply with the following requirements:

- (a) Where development sites would incorporate more than one original allotment, building forms should reflect the pattern and rhythm of the existing subdivision.
- (b) Only one access driveway should be provided for each development site.
- (c) Buildings should have a two storey appearance, and may include an attic level within the roof space:
 - (i) Pitched roofs above attics should not be steeper than 45 degrees or less than 27 degrees: flat pitched roofs are not acceptable.

- (ii) Dormer windows should not be oriented toward a rear boundary, should not be wider than 1.2 metres or taller than 0.9 metres, and there should not be more than two dormer windows per existing allotment or more than one dormer for every 6 metres of exterior wall.
- (d) For developments that comprise multi dwelling housing, no single building should contain more than six dwellings which have an identical façade in order to avoid an undesirable visual impact.
- (e) Facades that face a rear boundary:
 - (i) Should step in height, according to the setback controls in this section.
 - (ii) Should not incorporate a single unbroken plane which is wider than 9 metres without a step of at least 1 metre, or a full height recess.
 - (iii) Should not incorporate windows, balconies or terraces that would directly overlook existing residential properties in Avenue Road.
 - (iv) Should incorporate details that provide visual interest, such as sun shades and some degree of variation for materials and finishes.

3.5 RESIDENTIAL AMENITY

3.5.1 INTRODUCTION

This chapter provides controls in relation to residential amenity which are relevant to all types of *residential accommodation* that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

This chapter aims to provide detailed development controls that complement provisions of the *Hunters Hill LEP 2012* together with the provisions of any applicable State Environmental Planning Policies which may include:

- (a) For residential flat buildings with three or more storeys:
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings and the associated guideline *Residential Flat Design Code*.

3.5.2 SOLAR ACCESS

Objectives

Objectives in relation to solar access for all types of residential development are:

- (a) Provide adequate daylight and sunlight to living areas and private open spaces.
- (b) Preserve solar access for existing properties.
- (c) Encourage ecologically sustainable developments which reduce the use of fossil fuels for heating and cooling, and which encourage use of renewable energy.
- (d) Encourage the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.

Controls

Development proposals should comply with the following provisions and numeric controls which complement the objectives of *SEPP (BASIX) 2004*:

- (a) The majority of proposed dwellings should have living rooms and private open spaces which receive reasonable sunlight on the winter solstice:
 - (i) The standard for reasonable sunlight is specified by the *Residential Flat Design Code* which supports *SEPP No 65*.
 - (ii) The measurement of reasonable sunlight is explained in a *Planning Principle* that has been published by the *NSW Land and Environment Court*.
 - (iii) Development applications should demonstrate the amount of sunlight that would be available to each proposed dwelling via diagrams which illustrate 9:00 am, 12:00 noon and 3:00 pm on the winter solstice.
- (b) Proposed developments should maintain reasonable sunlight for adjacent properties on the winter solstice:

- (i) Ensure that the principal living room of any existing adjoining dwelling will receive a minimum of 3 hours of sunshine between 9:00 am and 3:00 pm on the winter solstice.
 - (ii) If the principal living room of an existing adjoining dwelling currently receives less than this standard, development should not reduce current solar access.
 - (iii) Ensure that development will not overshadow more than one third of an existing private open space which currently has sunshine between 9:00 am and 3:00 pm on the winter solstice.
 - (iv) Where adjoining development relies on solar access for heating or cooling systems, existing solar access should be preserved.
 - (v) Demonstrate impacts of the proposed development upon adjoining buildings and any open space areas with shadow diagrams prepared for 9:00 am, 12:00 noon and 3:00 pm on the winter solstice.
- (c) Development proposals should be designed and orientated to minimise the use of fossil fuel energy:
- (i) Use of solar energy for heating and lighting should be maximised.
 - (ii) Proposed dwellings should be provided with natural cross ventilation and daylight.
 - (iii) Stairwells and common areas in multi-unit developments should receive natural daylight and ventilation.
 - (iv) Windows should be sized, located and shaded to reduce summer heat and to allow the entry of winter sun.
 - (v) Window shading may be provided by horizontal or vertical screens and shutters, by recessed windows, by overhanging balconies, eaves, verandahs or pergolas, or by large trees such as deciduous species which block hot summer sun but admit warming winter sun.
 - (vi) Carparks should be designed to avoid mechanical ventilation, but where mechanical ventilation is unavoidable, time clocks should concentrate operation during peak hours or at regular intervals.
 - (vii) Building materials and insulation should assist thermal performance, with high thermal mass materials concentrated around living areas to capture sunlight during winter, and insulation provided for all ceilings, roofs, walls and floors.
 - (viii) Landscaping should admit sun during winter and provide summertime shade, as well as filtering the air.
 - (ix) Development proposals should incorporate facilities for recycling and composting, as well as low energy and reduced water flow fixtures that include dual flush toilets, and provide for the storage and reuse of roof water.

Note. Detailed requirements for energy efficiency and environmental planning are specified by *SEPP (BASIX) 2004*.

3.5.3 VISUAL PRIVACY

Objectives

Objectives in relation to privacy for all types of residential development are:

- (a) Limit overlooking into neighbouring dwellings and private open spaces.

Controls

Site planning and the design of new developments should comply with the following provisions:

- (a) Provide reasonable separation between the windows of habitable rooms and/or balconies in adjacent dwellings (both proposed dwellings and existing dwellings).
- (b) Prevent direct cross viewing between dwellings by orienting windows of habitable rooms and balconies in a proposed dwelling to face away from the windows of any habitable room, or a balcony, or a courtyard in an adjoining dwelling.
- (c) Prevent direct cross viewing between dwellings by screening or offsetting windows to habitable rooms, or balconies, or courtyards in adjoining dwellings.
- (d) In multi-unit developments, separate or screen proposed windows and balconies from communal areas such as paths, driveways and open spaces in order to prevent direct cross viewing.
- (e) Privacy screening for windows may be achieved by translucent or obscured glass, or by window sills that are elevated at least 1600mm above floor level.
- (f) Privacy screening for private open spaces and windows may be achieved by courtyard walls, by fences or screen panels, by distance separation or changes in level.

Note. Dimensions which achieve reasonable separation between adjacent dwellings are specified by the *Residential Flat Design Code* under *State Environmental Planning Policy No 65*.

3.5.4 ACOUSTIC PRIVACY

Objectives

Objectives in relation to acoustic privacy for all types of residential development are:

- (a) Substantially contain noise within each building.
- (b) Limit the effect of noise from shared facilities or communal areas upon adjoining dwellings.
- (c) Ensure that housing located next to major roads is designed and constructed to provide comfortable living conditions by reducing adverse impacts of traffic.

Controls

Site planning and the design of new developments should comply with the following provisions:

- (a) Acoustic privacy for all dwellings should be maximised:
 - (i) Rooms which are sensitive to noise such as bedrooms should be located away from noise sources.
 - (ii) Bedrooms should not be located adjacent to living rooms or garages that belong to another dwelling.
 - (iii) Balconies and related building elements should be located and designed to minimise the penetration of noise into any dwelling.
 - (iv) Dwellings that would be located close to high noise source such as a busy road or airport flight path should be protected by appropriate shielding or by an appropriate layout which protects noise sensitive rooms.
 - (v) Layout and construction of new dwellings should conform to relevant guidelines for noise and sound transmission.

Note. Relevant guidelines for acoustic privacy are provided by the *Building Code of Australia, Australian Standards*, and by guidelines that support *State Environmental Planning Policy (Infrastructure) 2007*.

3.5.5 VIEW SHARING

Objectives

Objectives in relation to view sharing for all types of residential development are:

- (a) Provide opportunities for view sharing by existing and future residents of the Municipality.
- (b) Ensure that the maximum number of residents enjoy a view by avoiding the monopoly of any view by an existing dwelling and undue obstruction of any view by a new dwelling or addition.

Controls

Site planning and the design of new developments should comply with the following provisions:

- (a) Views that are significant features of this Municipality should be protected or shared, and include panoramic outlooks toward the Parramatta and Lane Cove Rivers, and the city skyline.
- (b) New developments should not unduly obstruct views that are available from any street, public place or reserve.
- (c) New developments should promote view sharing by minimising the loss of existing views for adjoining or nearby properties while providing views from the proposed development itself.

- (d) In situations where existing views would be affected, development applications must clearly demonstrate the extent of likely impacts:
- (i) Applicants should erect templates that indicate the height and/or form of the proposed development, with the accuracy of templates certified by a registered surveyor.
 - (ii) Development applications should include illustrations of the proposed development which are montaged over eye-level photographs that are taken from affected properties.
- Note.** The *NSW Land and Environment Court* has published a *Planning Principle* in relation to view sharing which provides useful guidance.

3.6 GARAGES & CARPORTS

3.6.1 INTRODUCTION

This chapter provides guidelines for the location and design of new garages, carports and car parking areas in residential zones that are defined by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

The primary purpose of these guidelines is to maintain qualities of this Municipality's townscapes and its tree covered environmental settings.

These guidelines are necessary to address the recent proliferation of large carports and garages, especially in front of houses, which have a detrimental effect upon townscape of the Hunters Hill Municipality.

3.6.2 EXISTING CHARACTER

The Municipality of Hunters Hill is distinguished throughout Australia for its architectural heritage and townscape character. Buildings, structures and gardens reveal a great deal about the history of this Municipality and Sydney in general.

In order to maintain the historic character of Hunters Hill, important evidence of the Municipality's history is provided by subdivision patterns, gardens, buildings and building materials. An important element of historic character is provided by the relationship between garden spaces, buildings and fences which contribute to townscapes that are of very high quality.

It is imperative that townscape quality is not compromised by new garages and carports.

Traditional garages

Garages which emerged as a building type just before World War 1 have no architectural precedent in the Victorian and early-Federation periods when most of this Municipality's most significant development occurred. However, before the advent of the car, stables had served a similar purpose.

In establishing principles for the siting and design of modern carports and garages, it is worth noting that their antecedent "the stable" was always separated from the house and was usually sited toward the rear of allotments. Early garages were located in a similar manner.

Between the two world wars, garages became more common as car ownership increased. For this Municipality, this period was an important development phase, particularly for the western areas. Garages constructed during this period had little impact on townscape because they were still treated as "out-buildings". Typically, they were located in the back yard at the end of a driveway which passed down one side of a property. Developments at this time incorporated alternating wide-and-narrow side boundary setbacks which created a distinctive streetscape pattern, particularly in Boronia Park.

In the older estate subdivisions on the Hunters Hill Peninsula where land was steeply sloping, houses often were set well back from street boundaries, and single garages sometimes were constructed next to the street frontage. Whether they were located on the street frontage or at the rear of the block, traditional garages were treated as secondary or utilitarian buildings with little architectural embellishment.

Where planned as part of an overall site development, garages often were constructed with materials that were the same as the house.

It is important to recognise that early garages did not draw attention to themselves, or compete with a site's major buildings. Most notably, traditional garages within the front boundary setback were exceptions rather than the rule.

Carports

Carports did not occur until the 1960s. They were less costly to build than the enclosed lock-up garage.

However, with no direct stylistic antecedents, carports have been designed in a wide range of shapes, sizes and architectural treatments which range from bland pipe columns and flat roof structures, to attempts that simulate decorative high-Victorian or Federation period structures of a type (which, of course, never existed).

Similar to garages, carports relate most successfully to older houses where they are designed as simple functional shelters without grafted-on embellishments that are derived from earlier architectural periods.

Streetscape impacts

In recent years, construction of two and three car garages has impacted local streetscapes, particularly where structures have been sited close to the street or are visible from a public place.

Large garage structures have a detrimental impact on townscape where:

- (a) They obscure the house or neighbouring houses, particularly when those buildings are fine examples of the domestic architecture of their time.
- (b) They compete with traditional streetscape elements such as leafy gardens, stone walls, hedges, brick and timber fences, which contribute to the special character of this Municipality.
- (c) They introduce new horizontal shapes into the streetscape, such as wide roller shutters and tilt up doors or batteries of garage doors which are out of scale with existing houses.
- (d) They block views from public streets and reserves that were available between houses.

Intrusive new elements in the townscape cannot be disguised by architectural features such as finials or Federation period gables, or by the use of traditional materials such as rough cast stucco, terracotta tiles or slates: a large intrusive garage remains a large intrusive garage.

Large carports are as intrusive as garages when they are visible from the street, and parked cars remain very visible elements that affect the surrounding streetscape.

In more densely subdivided parts of this Municipality, garages and carports that have been squeezed into small front boundary setbacks have created a "gap-toothed" effect that detracts from traditional streetscapes.

3.6.3 PLANNING & DESIGN GUIDELINES

Where to put a new garage or carport

First consider whether it is necessary to have car parking on the site at all:

- (a) Check with the Council to find out if off street parking will be required;
- (b) Look at the availability of kerb side parking;
- (c) Think about the loss of site area for garden, outdoor recreation and children's play areas.

Note that on-site parking is best located at the rear of the property:

- (a) Where garages and carports can be located at the rear, favourable consideration will not be given to parking forward of the house.
- (b) The windows, doors or verandahs of your house are best if they are not obscured by your new garage or carport

Where there is no room to build a garage or carport behind the house:

- (a) A paved standing area at the front may be acceptable.
- (b) Where a garage or carport is sited at the side of the house, it needs to be setback at least 1 metre from the front wall of that house (not the front of the verandah).

Consider whether a sheltering structure is required at all:

- (a) Would a paved area be sufficient?
- (b) If a shelter is needed, an open sided carport will do the job more economically and less intrusively than an enclosed garage;
- (c) An open carport can often double as a garden shelter for outdoor entertainment;
- (d) If exceptional circumstances of a site mean that essential parking can only be located within the front boundary set back, Council would prefer a paved open area instead of a garage or car port.

Design principles: views

- (a) Avoid blocking views of the building already on site.
- (b) Avoid blocking public views between buildings

Design principles: form & design

- (a) Garages and carports are utilitarian structures. Their design should be subservient to the scale, form, materials and colours of the house to which they belong.
- (b) Garages and carports should express their present day functions and should not attempt to imitate architecture details like finials and barge boards which belong to earlier periods. Avoid 'reproduction' garages and carports.
- (c) Avoid designs which compete with existing townscape character by attempting to be clever or to stand out.

- (d) Look at the shape of roofs and buildings on your allotment and in your neighbourhood, and design your garage or carport to fit in without imitating. For example a well-designed flat roof on a well-proportioned supporting structure will fit in better than a low pitch skillion on pipe columns or a garage with high Federation gables.
- (e) Batteries of garage doors or very wide doors visible from the street are destructive to the townscape of Hunters Hill, and further proliferation of such structures will not be viewed favourably by Council. Where a garage or carport is to be more than one car wide, it must be faced away from the street or broken up into smaller units.
- (f) If you are building a new house think about separating car parking from the house: this opens up opportunities for a better house design.

Design principles: roofs

- (a) The early garages of Hunters Hill and other Sydney suburbs were built with a slightly lower pitch than the roof of the main house.
- (b) A well-designed flat roof structure may often be a better solution. In this way it is often possible to minimise the visual impact on an existing house.

Design principles: materials

- (a) Materials and colour selections should harmonise with the house. They do not have to be identical and should not draw attention away from the house. Remember, the garage is a secondary building.
- (b) Traditionally garages (and their antecedent: the stable) were often built of lighter materials: for example a stone house would often have brick or timber stables, and a brick house always looked much more important than its timber or fibro garage.
- (c) Roof materials are particularly important: slate should be avoided except on those rare substantial garages for large stone villas. It should never be used on a lightweight structure like a carport. Corrugated iron is often the appropriate roofing material for a garage and carport.
- (d) Avoid doors, which draw attention to themselves such as decorative or panelled doors.

Design principles: driveways

- (a) Paved driveways can jar the look of your property. At all times avoid large concrete or paved brick or tile areas. Two wheel tracks on a solid substrate of road base with lawn or ground cover between can reduce the visual impact and look attractive. They can be constructed from split sandstone, or even broomed concrete.
- (b) Crushed gravel for driveways is another low impact solution.

Design principles: access

All access gates must have a clear unobstructed opening of 5 metres at the boundary between the allotment and the Council footpath. Where it is proposed to provide an opening in the fence or wall of a distance of less than 5 metres it will be necessary to return the fencing back onto the property with a splay of 45° to a point which provides the required width of opening.

Where the property is a heritage item or in a conservation area, dispensation from these requirements will be considered where an opening for vehicular access is required and there is an existing fence which contributes to the heritage significance of the property, but only when matters of safety are adequately addressed.

Design principles: garages & carports within the front building line

If the garage or carport can only be located within the building line, it should be set as far to the side as possible without affecting the amenity of neighbouring properties.

3.7 FENCES

3.7.1 INTRODUCTION

This chapter provides guidelines for the location and design of new fences in residential zones that are defined by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

The primary purpose of these guidelines is to maintain qualities of this Municipality's townscapes and its tree covered environmental settings.

3.7.2 EXISTING CHARACTER

Character of the Hunters Hill Municipality comes in part from its fences: stone walls are the most obvious, but brick and timber are more numerous.

The early photographs available to Council suggest that early this century timber fences were by far the most common. Many large houses had timber fences, either pickets or palings. Iron fences do not appear to have been part of the earlier character of Hunters Hill and are not characteristic of the area today, as they are for example in Paddington, Stanmore or Annandale suburbs with ready access to iron foundries. Iron fences are very durable and if they existed in any numbers in Hunters Hill they would still be present.

Stone fences mark the boundaries of some of the original land grants in Hunters Hill and stone was a readily accessible material for front boundary fences from first settlement until the 1920s.

Many properties still have front fences, which were built at the same time as the house and these form part of the architectural composition of the house. Many fences make an important and deliberate contribution to the character of the street and in some localities, such as Gladesville, there is a consistency in their scale and character.

In Sydney, as in other cities, different fashions in fencing can be seen as one walks or drives around each suburb. These different fashions can be seen also in Hunters Hill, for example, the low unpainted brick fences with diagonal brick capping, which were popular from the 1930s - 1950s.

3.7.3 HEIGHTS & SPECIAL REQUIREMENTS

Height of fences, walls & screens

In general the height of fences, walls and screens should not exceed:

- (a) Front fences: 1.2 metres facing any street
(which includes the second street frontage on a corner site).
- (b) Side fences that are forward of the building line:
1.2 metres graded up to 1.8 metres at the building line.
- (c) Side fences that are behind the building line and rear fences: 1.8 metres.

Fences taller than 1.2 metres

Fences taller than 1.2 metres may be considered in the following circumstances:

- (a) Where they are needed to provide privacy and to reduce offensive noise;

- (b) Where they do not adversely affect the view to and from a public place (parks, roads, footpaths);
- (c) Where they do not affect the amenity of any adjoining property;
- (d) Where they do not adversely affect townscape, or the presentation of a listed heritage item, or a contributory building.

Sight lines for vehicles

- (a) All vehicular access gates shall have a clear unobstructed opening of 5 metres at the boundary between the allotment and the Council footpath. Where it is proposed to provide an opening in the fence or wall of a distance less than 5 metres it will be necessary to return the fencing back onto the property with a splay of 45° to a point which provides the required width of opening.
- (b) In addition to the requirements above, where it is proposed to erect a fence or wall along both street frontages of a corner block, a splay of at least 1.5 metres shall be provided at the corner of the allotment.

Where the property is a heritage item or in the conservation area, dispensation from these requirements will be considered when an earlier fence is to be reconstructed, but only when matters of safety are adequately addressed.

Access for public utilities

Design of fences shall provide for access to public utility installations such as electric meters, water meters, and the like, which would satisfy requirements of the relevant authorities.

3.7.4 GUIDELINES FOR FRONT FENCES

Purpose of the front fence

The primary purpose of a front fence is to mark the boundary between private and public responsibility, to exclude animals, and provide some privacy. But in large part, the design and character of the front fence is a convention, part of the 'manners' of the locality, (which include building setbacks and height) and designed not only to suit the house but also the street.

Some of the similarity in fences in any one area is also likely to be due to the designs favoured by local builders.

The increase in road traffic and in outdoor living means that some people now want front fences to provide privacy and to attenuate the impact of unwanted noise.

Assessing value & appropriateness of the present fence

Before deciding upon a new front fence, the appropriateness of the existing fence must first be considered by asking the following questions:

- (a) Is the fence an original or early fence built to complement the house?
- (b) Does the fence match other nearby in scale, materials or design?

If "YES" is the answer to either or both questions, then:

- (a) Is the fence structurally sound?

- (b) If not, can it be repaired?

Many timber fences can be repaired with much of the existing material. If the existing fence cannot be repaired then consider its re-construction i.e. build a new fence the same as the old, but using new materials.

Options for a new fence

If the present fence is not suitable for the house, or the locality, and needs replacing, then the following options should be considered:

- Option 1 Reconstruction of an earlier fence (known from old photographs and or physical evidence). This option can be used when the present fence is not original, and where information about the design of an earlier fence is available (from old photographs or other documents or remains of the old fence).
- Option 2 Construction of a period fence (based on information about fences in the locality and on the age and design of your house). This option can be used when:
- (i) There is insufficient evidence to re-construct an earlier fence; and
 - (ii) You don't want a modern fence.
- Option 3 Construction of a modern fence that complements the house and, the locality and fits in with the established conventions in the street. This option is appropriate where:
- (i) There is insufficient evidence to construct an earlier fence; and
 - (ii) There are other modern fences in the locality.

Documentary evidence of an earlier fence

Before designing a new period fence or new modern investigate evidence for earlier fences. Possible sources of photos and other information about the property include:

- (a) *Hunters Hill Historical Society* (museum in western end of Council building in Alexandra Street) has a collection of photos of houses and street scenes, including copies of photos from the Government Printer's Collection (now in Mitchell Library).
- (b) Previous owners of your house: remember that fences often appear in family or garden photos.
- (c) Books of Hunters Hill. The first edition 1969 of the *Old Buildings of Hunters Hill* published by the *Hunters Hill Trust* shows many early fences that have now been demolished. A copy can be inspected at the Council offices.
- (d) Douglass Baglin Collection. Douglass Baglin took many photos of houses in Hunters Hill from mid 1950s - 1980s. Contact Yvonne Douglas, on 9975 3492 to inspect contact prints.
- (e) Owners of neighbouring properties may also have useful photos, or may remember earlier fences.

Physical evidence of an earlier fence

The most obvious sources of evidence of an earlier fence are the property itself.

The position of fence posts and rails might remain in the footpath adjoining the boundary, or in the adjoining fences. Careful inspection below the surface of the ground might reveal evidence of fence posts or the brick base course. Often the material from earlier fences is re-used in the backyard or elsewhere, or perhaps stored under the house! Whilst such evidence might not provide all the details, it could provide sufficient to construct a fence similar in character to an earlier fence, and more appropriate to your house than a new period fence chosen from a book.

If there is no evidence of such a fence, it is more likely that the original fence was timber.

Choosing a new period fence

In choosing a few period fences it is preferable to select a plain, rather than a fancy or elaborate design.

In contrast with the current fashion for elaborate fences, fences in the Hunters Hill Municipality until the 1970's were simple designs. Elaborate fences and non-palisade fences will not fit in with the established character of the Municipality, no matter how well-designed or executed.

To assist in designing period fences where there is little evidence of previous fences, Council has:

- (a) Copies of some old photos of Hunters Hill
- (b) Photos of appropriate fences
- (c) Information about design and construction of period fences.

Designing a new modern fence

In designing a new modern fence look at the fences in the street, their scale, height, materials, colour and finish.

Identify their most common characteristics, and use these as a basis for your design. It is not necessary to imitate other fences in every detail.

Plants and 'greenery' might be a prominent feature along the front boundaries, so one option might be to construct a fence which allows a hedge or other planting to grow through obscuring the materials of the fence itself.

3.7.5 GUIDELINES FOR TIMBER FENCES

Care for timber fences

A problem with older timber fences is that they tend to deteriorate and become unstable because of rotting posts.

Where a fence is generally sound, except for the posts in the ground, it can often be repaired simply by strengthening the posts, or replacing the lower part of the post.

Loose pockets can be a problem. A simple means of extending the life of such fences is either by screw fixing the pickets or by using galvanised hoop iron to prevent pickets falling off. The hoop iron should be the plain sort, not the punched variety used in building construction.

Sometimes total rebuilding of a picket fence is needed because a number of its elements have deteriorated. Even in this situation a number of items can be reused. Pickets that have a rotten base can be shortened slightly and the overall height of the fence maintained with a higher plinth. Replacement pickets and posts can be obtained from most timber yards.

Timber picket fences

The most common style of fencing for Victorian and Edwardian houses in Hunters Hill was the timber picket fence.

The pickets were normally about 1 metre to 1.2 metres high, although on some larger properties they may have been taller. Sometimes, the fences were backed by a hedge that was taller than the fence itself.

Two design features which varied were the shape of the picket heads and the configuration of the pickets. Early fences had simple picket heads either arrow shaped (cut to about 60 degrees) or curved. Towards the end of the 19th century designs became more elaborate. After about 1910 simple designs were again in fashion.

The pickets were arranged in a straight line along the boundary often with a slight upturn at the gate and posts. Some fences had an overall curved configuration, usually concave.

Some examples of simple picket fences that would be appropriate for Hunters Hill, can be found in publications such as *Getting the Details Right* by Ian Evans (1989).

Timber paling fences

Unpainted timber paling fences are the common form of side boundary fencing in Sydney, and are the most suitable form of side and rear fences in Hunters Hill.

The side boundaries of corner properties also had paling fences even though they were erected along a street frontage. Large properties sometimes had front paling fences, often with a scalloped edge to each paling.

Painting

Timber picket fences are always painted, not stained. Traditionally, pickets were painted in the lightest colour used in the painting of the house in white or cream or a light ochre.

Front paling fences were sometimes painted in the past, but side paling fences are not painted and the timber is allowed to weather to soft silver.

Timber and wire fences

Fences of timber posts with wire mesh infill panels are becoming quite rare now and are worthy of conservation.

They were fashionable in the 1930s and 1940s, and were often associated with a clipped hedge of lantana, bay or privet. They can be repaired or reconstructed, while an informal hedge behind can provide the desired privacy.

3.7.6 GUIDELINES FOR BRICK FENCES

Existing brick fences

Brick fences most commonly belong to houses built in the 1920s and 1930s, but are also found with Federation houses.

They were usually designed to complement the house, using the same bricks and the same brick decoration. They usually stood just below one metre high, and like the walls of the houses to which they belong, they were never painted. They are a characteristic part of the streetscape of post World War 1 suburbs, and are particularly notable in Hillcrest and Sunnyside Avenues and Isler and Massey Streets, and in parts of Woolwich Road.

Very low brick fences of very simple decoration belong with houses of the 1940s and 1950s, and may be seen in Windeyer Avenue and in Ramleh and Gaza Streets, Boronia Park.

New brick fences

These are appropriate where evidence of an earlier brick fence can be found or where brick fences are common in your street or where it is known that the house was built in the 1920s, 1930s or 1950s.

3.7.7 GUIDELINES FOR STONE FENCES

Existing stone fences

Stone fences are a major feature of Hunters Hill.

There are several types, the most obvious being the front stone fence often built at the same time as the house, and the dry stone walls used to mark boundaries of estates, such as the one parallel to and between Herberton Avenue and Durham Street.

Care for stone walls

Stone walls are best conserved with the minimum of change or interference. Walls may need repair due to loss of mortar, cracking of stone, damage caused by tree roots, or accidental bumping.

Where repairs are necessary it is essential to seek expert advice, so that the wall can be repaired with minimum change to its fabric, construction and configuration: (i.e. height and width). Jointed walls should be repaired using lime mortar of mix 1 part cement; 2 parts slaked lime: 10 parts or 12 parts bush sand, not a cement mix.

To avoid damage to stone walls:

- (a) Always repair walls using original building methods.
- (b) Avoid changing the level of ground alongside the wall.
- (c) Avoid water flowing near the base of the wall.
- (d) Do not build other fences or structures directly alongside.
- (e) Do not plant trees near the wall to avoid damage from roots.
- (f) Detailed guidelines about stone walls in Hunters Hill are available from Council.

New stone fences

Unless there is evidence that a stone wall previously existed, a new stone fence should be avoided.

Where such evidence exists, the new wall must be of the same type of cut stone as the earlier wall i.e. dressed stone, sparrow pecked stone or rock faced stone.

3.7.8 GUIDELINES FOR TALL FRONT FENCES

Private needs & public townscape

The increase in road traffic and in outdoor living means that some people now want tall front fences to reduce unwanted noise and to provide increased privacy.

The challenge in Hunters Hill (and in other areas of heritage value) is to meet these needs whilst retaining the heritage and townscape values of appropriate fencing. However it should be noted that the private interest does not outweigh the public interest in this regard.

Alternative approaches

- (a) Where the present fence is of value because it complements the house, or the streetscape:
 - (i) Use screen planting behind the existing fence. e.g. plant a hedge, or build a frame designed to support climbing plants;
 - (ii) Build a new fence behind the existing fence in a different material.
 - (iii) Build an additional fence attached to or above the present fence. This may be appropriate where:
 - The present fence is a new brick fence, and the additional height would not interfere with the continuity of fences in the street; or
 - The present fence originally had a superstructure which has been removed; or
 - The additional fence can be erected without causing damage to the existing fence.
- (b) Where the present fence does not complement the house or is not in keeping with the general character of fences in the street:
 - (i) Examine fences in the locality and take note of their design, materials, height and finish.
 - (ii) Consider the type of fence that will suit the design of your house.
 - (iii) Where low brick fences predominate, as they do in much of the western areas of the Municipality, build a low brick fence which keeps the continuity of the streetscape with a timber or wire fence behind through which a hedge or other plantings can grow and provide privacy.
- (c) Where low fences are not common, it might be appropriate to have a high fence of a material, finish and colour to blend with the streetscape:

- (i) Particular care is needed with wide frontages, such as along Woolwich Road, to avoid introducing a new and dominant element into the streetscape.
- (ii) High walls of rendered masonry painted in a light colour are out of character with Hunters Hill and are not acceptable.

Views

Views to the water, to the city, to bushland and to other suburbs are one of the features of Hunters Hill. Equally important is the interrelationship between the public and private domains, and views toward buildings with heritage significance or which contribute positively to the character, history and identity of Hunters Hill.

Any new high fence should be designed so that these views are maintained.

3.7.9 GUIDELINES FOR SIDE & REAR FENCES

Dividing Fences

Dividing fences in Hunters Hill are mostly of paling, with some stone walls, and some modern wire fences. The options for side fences include:

- (a) The unpainted timber paling fence, the typical Sydney fence.
- (b) A wire fence where shrubs can be planted alongside.

Height within the building line.

In Hunters Hill it is common for side boundary fences to increase in height from the alignment with the footpath up to the building line.

On corner lots it is the common practice to have the paling fence along the side alignment, for most of its length, and to have a decorative front fence along the front boundary, and turning the corner.

Council must still consider the impact on streetscape.

Design of side & rear fences.

The considerations for side fences are the same as those for front fences: namely, examine the side fences common in your locality and choose a design that fits in and suits the circumstances of the property.

Consultation with adjoining owners.

The *Dividing Fences Act* (administered by the Local Court) makes provision for neighbours to share equally the costs of a standard timber paling fence. It is recommended that the character of new side fences be discussed with adjoining owners even if you are prepared to pay the total cost.

3.7.10 INAPPROPRIATE FENCES

Some types of fences are inappropriate in Hunters Hill because they would be out of character or because they would confuse the historic character of fencing in the suburb.

Examples of inappropriate fences include:

- (a) Elaborate period fences for which there is no documentary evidence on that site such as the iron palisade, the highly decorative picket fence or elaborate Federation fence.
- (b) High fences at the front boundary where the predominant fences are of low to medium height.
- (c) High fences which on street public views or the view of buildings which contribute to the history, character and identity of Hunters Hill.
- (d) Fences which are extremely high and solid and which impact on the streetscape.
- (e) Fences with inset panels of cast or wrought iron.
- (f) Fences that introduce new materials into the locality, or which by their painting scheme or decorative treatment are likely to be dominant in the streetscape.

3.8 SUBDIVISION

3.8.1 INTRODUCTION

This chapter applies to all types of *subdivision* in residential zones within the Municipality of Hunters Hill.

This chapter aims to provide detailed development controls that complement provisions of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

Development consent is required for all types of subdivision which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Applications for subdivision must address requirements of the *Hunters Hill LEP 2012* together with other parts or chapters of this Plan which are relevant:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality.*
- (b) *Chapter 3.2 Bushland Localities*
- (c) *Chapter 3.3 Dwelling Houses, Secondary Dwellings & Ancillary Works*
- (d) *Chapter 3.5 Residential Amenity.*
- (e) *Chapter 3.6 Garages & Carports.*
- (f) *Chapter 3.7 Fences.*

3.8.2 OBJECTIVES OF THIS CHAPTER

General objectives for subdivision are to:

- (a) Conserve the identity of this Municipality which is established by heritage, character, topography and residential amenity.
- (b) Conserve the environmental and heritage significances, scenic qualities of foreshores and river-scapes, townscape quality and the tree covered environment of this Municipality.
- (c) Ensure that new development is undertaken in a manner which is sympathetic to, and does not detract from, the significance of Heritage Items and their settings, as well as streetscapes and landscapes which contribute to the distinctive character of this Municipality.
- (d) Ensure protection of the environment, including significant natural features that contribute to the locality's scenic quality, landscapes and character.
- (e) Encourage the orderly and economic use of land.
- (f) Achieve a balance between economic use of residential land and the amenity of existing residents.
- (g) Provide a greater range in the size of residential allotments and therefore contribute to greater choice in housing.

- (h) Provide for equitable and efficient use of public amenities and services.
- (i) Provide land for community housing needs.
- (j) Design allotments with sizes and shape that are appropriate to accommodate the following:
 - (i) Buildings which are designed for land uses that are permitted by the *Hunters Hill LEP 2012*, including dwelling houses, ancillary buildings and facilities; and/or
 - (ii) Access for vehicles to and from the site; and/or
 - (iii) Space for landscaping and outdoor recreation; and/or
 - (iv) Outdoor space for service areas; and/or
 - (v) Off-street car parking; and/or
 - (vi) On-site disposal of stormwater and waste water.

3.8.3 SITES WITH HERITAGE SIGNIFICANCE

Any property which is a *heritage item* that is listed by the *Hunters Hill LEP 2012* should not be subdivided if elements which contribute to the value or significance of that *heritage item*:

- (a) Would not be located fully within a separate allotment that is part of the proposed subdivision; and
- (b) Occupies more than 20% of the existing allotment; and
- (c) Comprises a building which has a floor space ratio that is greater than 0.3:1 (measured in relation to the existing allotment).

Notes. *Heritage items* may include monuments and trees.

Provisions of *Part Two* to this Plan also apply to such applications.

Any proposal to subdivide a *Heritage Item* or land adjoining a *Heritage Item* shall be accompanied by *heritage management documents* which have been prepared by a qualified heritage architect or a heritage planner.

3.8.4 ALLOTMENT WIDTH

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Minimum subdivision lot size* is specified by clause 4.1.
- (b) *Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* are specified by clause 4.1A.
- (c) *Minimum street frontage for medium density residential development* is specified by clause 6.8.

Proposed allotments that would accommodate a dwelling house should satisfy the following controls:

- (a) For allotments that have a minimum area of 700m²:
the average lot width should not be less than 12 metres.
- (b) For allotments that have a minimum area of 900m²:
the average lot width should not be less than 15 metres.
- (c) For allotments that have a minimum area of 1000m²:
the average lot width should not be less than 18 metres.

3.8.5 BUILDING AREA

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Minimum subdivision lot size* is specified by clause 4.1.
- (b) *Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* are specified by clause 4.1A.
- (c) *Minimum street frontage for medium density residential development* is specified by clause 6.8.

Proposed allotments that would accommodate a dwelling house should satisfy the following controls:

- (a) Demonstrate that proposed allotments would be capable of accommodating a *building area* sufficient for a dwelling house that complies with provisions of the *Hunters Hill LEP 2012* and that also satisfies this Plan.
- (b) The minimum *building area* should satisfy the following requirements:
 - (i) For properties where the minimum lot size is 700m²:
the *building area* should have a minimum width of 12 metres and a minimum area of 175m².
 - (ii) For properties where the minimum lot size is 900m²:
the *building area* should have a minimum width of 15 metres and a minimum area of 175m².
 - (iii) For all properties, existing ground levels across the *building area* should not have a slope which is steeper than 1:10.

3.8.6 TREE PRESERVATION

Proposed subdivisions should satisfy the following requirements (which are in addition to controls in *Chapter 2.3 Trees & Vegetation*):

- (a) Subdivisions and future development which would be permitted should not result in significant clearing of existing trees.

Note. Clause 5.9 of the *Hunters Hill LEP 2012* requires the preservation of specified vegetation and trees.

3.8.7 DRAINAGE

Proposed subdivisions should satisfy the following restrictions and requirements:

- (a) Provide inter-allotment drainage to ensure that any lower allotment within a proposed subdivision, or any property that is located downstream from a proposed subdivision, would not be exposed to discharges of roof or surface waters.
- (b) If proposed allotments cannot be drained by gravity to Council's drainage system, provide easements to drain water through downstream properties.
- (c) For subdivisions that involve not more than two allotments, and where an easement may not be created, Council will consider alternative stormwater management via pump out or on-site disposal systems only if:
 - (i) A development application provides satisfactory evidence that reasonable endeavours to create an easement have been unsuccessful; and
 - (ii) The alternative system has been designed by a qualified civil or hydraulic engineer; and
 - (iii) The proposed alternative system would not have any adverse impacts downstream and would not adversely affect any surrounding property.
- (d) Usually, drainage works must be constructed to a standard which meets Council's satisfaction before release of the final linen plan:
 - (i) In limited cases, the Council might accept a guarantee bond in lieu of construction which has been completed prior to release of the final linen plan.

3.8.8 ACCESS

Proposed subdivisions should satisfy the following restrictions and requirements:

- (a) Provide vehicle access to every allotment in order to accommodate off-street parking in locations which satisfy *Chapter 3.6 Garages & Carports*.
- (b) In subdivisions which contain battle-axe allotments, driveway access may be via a corridor which satisfies the following requirements:
 - (i) Width of driveways and construction should respond to site factors such as topography and existing trees which are to be retained.
 - (ii) Minimum width of access corridors should satisfy Table 3.2.
 - (iii) For subdivisions with three allotments or more: the minimum corridor width should accommodate at least one passing bay for every 40 metres of driveway length, or at intervals as required by the Council having regard for circumstances of the site and its surroundings.
 - (iv) Minimum width of an access corridor also should accommodate landscaped verges that are at least 400mm wide along both sides of the driveway.

- (v) Titles shall be created so that each parcel of land has “frontage” to a public street: common driveways shall include reciprocal rights-of-way for all allotments.

Table 3.2: Minimum width of access corridors

<i>Number of proposed allotments</i>	<i>Minimum corridor width</i>
2	2.75 metres
3	3.5 metres
4 or more	5 metres

Note. In Table 3.2, the number of proposed allotments means the total number of allotments (it does not mean the nett number of allotments which are proposed in addition to the existing property).

- (c) Access ramps or driveways shall have gradients that comply with the *Australian Standard AS 2890.1*, including a relatively level area next to the street frontage and transition gradients.
- (d) Design and construction of driveways should minimise visual impacts upon the streetscape.

Note. With regard to visual impacts, plain untreated concrete generally is not considered an acceptable design solution.

3.8.9 DEVELOPMENT APPLICATION REQUIREMENTS

The following requirements apply to all subdivision applications:

- (a) Development applications must include analysis of the proposed subdivision in relation to features of the site and surroundings which include:
 - (i) The surrounding land use pattern.
 - (ii) Topography and nature of the land.
 - (iii) Natural hazards which include geotechnical stability, together with exposure to bushfire and flooding.
- (b) Development applications should provide an evaluation of relevant impacts which are likely to be generated by future development after the proposed subdivision, and having particular regard for the following matters:
 - (i) Natural or environmental features.
 - (ii) Cultural or historic features.

- (iii) Traffic.
 - (iv) Demand for community facilities.
 - (v) Load upon utility services.
 - (vi) Stormwater run-off and drainage.
- (c) Development applications should provide the following information:
- (i) Plans of the proposed subdivision at a measurable scale of not less than 1:200.
 - (ii) Boundaries and land title references for the allotment which is proposed to be subdivided.
 - (iii) Reference numbers for the proposed allotments.
 - (iv) Details of the proposed allotments including dimensions, areas, means of access, existing easements or rights-of-way, and the current location of utility services.
 - (v) Locality plan including name of the road which fronts the site and dimension to the nearest adjoining street.
 - (vi) Contours of existing ground within the site, with a contour interval of not more than 2 metres, and including the location of natural features such as sandstone outcrops, cliffs or rock shelves.
 - (vii) Location of existing watercourses within or adjoining the site, and information regarding flood levels that affect the site and surroundings.
 - (viii) Location of existing trees which exceed a height of 4 metres, and areas of bushland that include understorey.
 - (ix) Locations and floor plans of existing structures, and a statement confirming whether structures would be retained or demolished as part of the subdivision application.
 - (x) Existing wells and drains.
 - (xi) Proposed stormwater drainage or disposal, including preliminary engineering designs.
 - (xii) Proposed vehicle access from a public street or via a proposed right-of-carriageway, including preliminary engineering designs.

Note. Information specified above is in addition to requirements of the *Development Application Checklist* which may be obtained from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or which may be downloaded at <http://www.huntershill.nsw.gov.au>

3.8.10 RELEASE OF LINEN PLANS & SUBDIVISION CERTIFICATES

The following restrictions and requirements apply to all subdivision applications:

- (a) The *Linen Plan* of subdivision and *Subdivision Certificate* will not be released by Council until all infrastructure works have been provided to each lot, and works have been completed to the Council's satisfaction.

Notes. Required infrastructure works include driveways, stormwater drainage, and supply mains for water, electricity, sewer, gas, telecommunication etc.

All services should be located underground to avoid adverse visual impacts.

- (b) Prior to release of the *Linen Plan* or *Subdivision Certificate*, a *Work-as-Executed Plan* shall be submitted to the Council, prepared by a registered surveyor and confirming the location of all services.
- (c) Where a development application includes building works and subdivision, Council might require construction of the proposed building to have reached a suitable stage (for example, practical completion) prior to issue of the *Linen Plan* or *Subdivision Certificate*.

3.8.11 STRATA & COMMUNITY TITLE SUBDIVISION

The following restrictions and requirements apply to applications for strata or community title subdivision:

- (a) Any proposed subdivision which would create a separately titled space, parcel or allotment shall be treated in the same way as a Torrens Title subdivision, and will be subject to all requirements that are specified by this chapter.
- (b) Community or strata title subdivisions that would create 'security' or gated estates will not be favoured by the Council.

PART FOUR VILLAGES & NON-RESIDENTIAL DEVELOPMENTS**4.1 PURPOSE OF THIS PART**

Part Four of this Development Control Plan provides detailed requirements and guidelines which apply to centres and specific types of non-residential developments within the Hunters Hill Municipality.

Part Four comprises the following chapters:

1. *Chapter 4.2* *Child Care Centres.*
2. *Chapter 4.3* *Commercial Premises & Shop top Housing* provides general controls which apply to zones *B1 Neighbourhood Centre* and *B4 Mixed Use* in the Hunters Hill Municipality, as well as to existing *commercial premises* in other zones.
3. *Chapter 4.4* *Gladesville Village Centre* provides controls for zone *B4 Mixed Use* which extends along Victoria Road at Gladesville.
4. *Chapter 4.5* *Hunters Hill Village* provides controls for zone *B4 Mixed Use* which is located along Gladesville Road at Hunters Hill.

4.2 CHILD CARE CENTRES

4.2.1 INTRODUCTION

This chapter applies to *child care centres* that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

This chapter provides detailed development controls that complement provisions of the *Hunters Hill LEP 2012* and other chapters in this Plan which relate to all forms of development in the Hunters Hill Municipality.

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Notes. Operation of *child care centres* is regulated by the NSW Government, and licenses may be necessary before the operation of a centre can commence.

There may be other licenses which need to be obtained in order to operate a *child care centre* which has received development consent.

4.2.2 OBJECTIVES OF THIS CHAPTER

General objectives for the development of *child care centres* are:

- (a) Encourage development of *child care centres* in appropriate locations that meet community needs.
- (b) Ensure that *child care centres* are compatible with neighbouring land uses.
- (c) Ensure that *child care centres* are located and employ high quality design in order to avoid health or safety risks to children and staff.
- (d) Minimise potential adverse impacts related to noise, traffic and on-street parking which might affect residential areas and the environment or amenity of neighbouring properties.
- (e) In residential areas, ensure that built form and landscape design of child care centres would integrate appropriately with the surrounding environment.

4.2.3 LOCATIONAL CONSIDERATIONS

Objectives

Objectives for the location of *child care centres* are:

- (a) Provide new development in areas of need.
- (b) Ensure that location of new development would not adversely affect existing environmental amenity due to noise, traffic and pedestrian safety, loss of privacy, or impacts in relation to heritage conservation.

- (c) Ensure that site characteristics such as topography, traffic and pedestrian safety are suitable for new development.
- (d) Avoid sites that are likely to have been affected by soil contamination.

Controls

Development proposals should comply with the following requirements:

- (a) Sites with the following characteristics are preferred for the development of *child care centres*:
 - (i) Sites that are flat or that slope gently from their road frontage.
 - (ii) Sites with a north to northeast aspect which would maximise winter sunlight that would be available to activity areas.
 - (iii) Sites that are capable of accommodating activity areas that would not be overlooked or overshadowed by adjoining or nearby buildings.
 - (iv) Sites that are part of, or that are located adjacent to, existing churches, primary schools or community facilities unless traffic and parking requirements cannot be satisfied.
 - (v) Sites that adjoin a minimal number of residential properties, and consequently that would minimise possible impacts upon existing residential amenity.
 - (vi) Sites that are located close to public transport services which offer the opportunity to reduce traffic congestion and demand for off-street parking.
- (b) Sites in the following locations, with the following characteristics, are not preferred for the development of *child care centres*:
 - (i) Sites that are located on arterial roads or near busy intersections.
 - (ii) Sites that are located as part of, or that are adjacent to, a residential flat building.
 - (iii) Sites that have been exposed to contaminated soils or buildings.
 - (iv) Sites that are located within 30 metres of an electricity transmission easement which carries lines equal to or greater than 132kV capacity.
 - (v) Sites within 300 metres of a mobile phone tower.
- (c) Detailed considerations apply to the following sites:
 - (i) Sites that are located within or adjacent to a *heritage conservation area*, or that contain or adjoin a *heritage item*, will be subject to detailed consideration by the Council's *Conservation Advisory Panel* and assessment will be according to heritage provisions of the *Hunters Hill LEP 2012*.

- (ii) Sites that are located in areas that are zoned for business purposes will require detailed consideration in relation to safety and amenity of children.
- (iii) Sites that have been exposed to environmental contamination, or where the Council considers that environmental contamination is likely to have occurred, require detailed consideration to confirm suitability for development of a child care centre.

Note. Where contamination of sites is known or suspected to have occurred, *State Environmental Planning Policy No 55 (Remediation of Land)* specifies detailed considerations and procedures which must be followed.

4.2.4 HOURS OF OPERATION

Objectives

Objectives for the operation of child care centres are:

- (a) Ensure that hours of operation are compatible with the amenity of residential areas and have minimal impact upon neighbouring dwellings.

Controls

Development proposals should comply with the following requirement:

- (a) Operating hours for any child care centre that is proposed within or adjoining a residential area shall be limited to weekdays between 7:00 am and 6.30 pm.

4.2.5 BUILT FORM & APPEARANCE

Objectives

Objectives in relation to built form and appearance of child care centres are:

- (a) Ensure that new child care centres are compatible with the scale of existing buildings in the vicinity.
- (b) Enhance and complement the surrounding streetscape, as well as protecting conservation and heritage values, by development that displays a high visual quality.
- (c) Maintain and enhance external and distant views.

Controls

Development proposals should comply with the following requirements:

- (a) Child care centres must comply with built form controls that apply to the applicable land use zone.

Notes. Development standards for height and floor space ratio are provided by the *Hunters Hill LEP 2012*.

Development proposals in residential zones should consider the relevant chapters in Part Three of this Plan.

Development proposals within a business or mixed use zone should consider the relevant chapters in Part Four of this Plan which relate to local centres, the *Gladesville Village Centre* or the *Hunters Hill Village*.

- (b) The design and layout of child care centres must respond to character of the existing neighbourhood and streetscape:
 - (i) For new buildings in a residential zone, single storey building forms are preferred. Two storey forms may be considered only in situations where no other option is available.
 - (ii) Exterior materials and finishes, together with landscaping and fencing, should be consistent or compatible with general characteristics of the existing neighbourhood and streetscapes which surround the development site.
- (c) New developments should promote view sharing by minimising the loss of existing views for adjoining or nearby properties, or views that are significant features of any street or reserve, while providing views from the proposed development:
 - (i) Building forms, fencing and landscaping should allow for existing horizon or water views to be maintained and enhanced.

Note. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

4.2.6 LANDSCAPING

Objectives

Objectives in relation to landscaping of child care centres are:

- (a) Preserve and enhance amenity and streetscape character of the surrounding neighbourhood.
- (b) Ensure that new developments demonstrate a high visual quality.
- (c) Provide attractive and natural environmental settings for future occupants.

Controls

Development proposals should comply with the following requirements:

- (a) Child care centres in residential zones must comply with landscape controls that apply to the applicable zone.

Notes. Development standards for landscaped area in certain residential zones are provided by the *Hunters Hill LEP 2012*.

Development proposals in a residential zone should consider the relevant chapters in *Part Three* of this Plan.

- (b) Child care centres within business or mixed use zones should provide appropriate soft and hard landscaping to enhance the amenity of proposed outdoor play areas.
- (c) Council may require provision of landscaped areas and landscaping that exceeds requirements for residential, business or mixed use zones that are specified by this Plan.
- (d) Development proposals should provide deep soil and planting in the following locations or to achieve the following outcomes:
 - (i) Existing bushland and mature trees should be preserved.
 - (ii) Appropriate planting along the street frontage should be provided in order to complement existing streetscape character and soften the appearance of new building forms.
 - (iii) Screen plantings along boundaries should contribute to the privacy of neighbouring dwellings and private open spaces.
 - (iv) Car parking areas should be screened by suitable plantings.
 - (v) Trees should be located along northern and western boundaries in order to shade play rooms and outdoor areas during summer.

4.2.7 PLAY AREAS & INTERNAL AMENITY

Objectives

Objectives in relation to play areas and the internal amenity of child care centres are:

- (a) Provide a safe and pleasant environment for children by appropriate design and layout of play areas.
- (b) Ensure visual and acoustic privacy for children of the centre, and also for neighbouring residents.

Controls

Development proposals should comply with the following requirements:

- (a) Satisfactory indoor play rooms should be provided by each child care centre:
 - (i) The minimum requirement for indoor play rooms is 3.25m² per child.
 - (ii) Indoor play rooms that are larger than the minimum are encouraged, and provision of play rooms which exceed the specified minimum may be offset against the provision of parking spaces (subject to justification according to circumstances of the site or merit of the proposed development).
 - (iii) Building layout should provide ready supervision of children using indoor play rooms.
 - (iv) Access to services and other areas should not reduce the size, safety or functionality of play rooms.
 - (v) Building layout should maximize natural ventilation and sunlight which would be available to play rooms.
- (b) Satisfactory outdoor play areas should be provided by each child care centre:
 - (i) Development proposals must comply with all current Australian playground standards.
 - (ii) The minimum requirement for outdoor play areas is 7m² per child.
 - (iii) Outdoor play areas that are larger than the minimum are encouraged, and provision of play areas which exceed the specified minimum may be offset against the provision of parking spaces (subject to justification according to circumstances of the site or merit of the proposed development).
 - (iv) Outdoor play areas should have a north or north-east orientation to maximise solar access, and should be protected from extreme sunlight during summer.
 - (v) Building layout should provide ready supervision of children using outdoor play areas.

- (vi) Design of outdoor play areas should include buffer plantings of hedges along property boundaries, and fences to ensure safety and security for children.
- (c) Development proposals that are located on a major road, or within 60 metres direct distance from a major road, should provide adequate noise protection for indoor and outdoor play areas:
 - (i) A noise assessment prepared by an accredited acoustic consultant must be provided with the development application.
 - (ii) Building layout and design measures should address recommendations by the acoustic consultant which are necessary to achieve suitable amenity for indoor and outdoor play areas.
- Note.** Double glazing and appropriate locations for windows may be necessary to reduce noise impacts of road traffic.
- (d) Swimming pools are not permitted in order to avoid undue risk to children.

4.2.8 NEIGHBOURHOOD AMENITY

Objectives

Objectives in relation to amenity of neighbouring dwellings which adjoin a proposed child care centres are:

- (a) Provide visual and acoustic privacy for nearby residents within their dwellings and private open spaces.
- (b) Ensure that child care centres in residential areas would not generate unacceptable noise levels.
- (c) Provide adequate sunlight to neighbouring dwellings.
- (d) Maintain and enhance external and distant views.

Controls

Development proposals should comply with the following requirements:

- (a) Building layout and design measures should minimise noise impacts to adjoining residential properties:
 - (i) A noise assessment prepared by an accredited acoustic consultant must be provided with the development application, and should specify building layouts or design measures which are necessary to achieve suitable amenity for neighbouring dwellings.
 - (ii) In general, noise generating areas such as playgrounds or playrooms should be oriented away from neighbouring bedrooms, and should be screened by fences.
 - (iii) Pedestrian gates shall be fitted with closers to prevent impact noise.

Notes. The following guidelines apply to noise assessments:

- (i) During proposed operating hours, the L_{Aeq} (1 Hour) ambient noise level at any location within site boundaries of a proposed centre (including any outdoor play or activity area) shall not exceed the maximum noise level that is recommended by the NSW Environment Protection Authority for school playgrounds (refer *NSW Industrial Noise Policy: Table 2.1*).
- (ii) The L_{Aeq} (15 minute) noise level emitted from the site (including playground activity noise and indoor activity noise) shall not exceed the rating background level by more than 5dBA at the assessment location.

If estimated noise would exceed the specified guidelines, noise mitigation measures which should be implemented could include:

- (i) Appropriate siting and design for buildings;
 - (ii) Provision of acoustic glazing, fencing or screen plantings;
 - (iii) Restrictions on the number of children who may use outdoor play areas, or limitations on times when play areas could be occupied.
- (b) Building layout and design measures should minimise privacy impacts to adjoining residential properties:
- (i) Direct overlooking of neighbours' internal living areas, bedrooms and private open spaces should be minimised by appropriate building layout and suitably located pathways, windows and doors.
 - (ii) Fences should minimise loss of privacy for adjoining area (at the same time, having regard for the need to complement streetscape character and qualities that distinguish any heritage conservation area or nearby heritage item).
- (c) Proposed developments should maintain reasonable sunlight for adjacent dwellings as specified by *Chapter 3.5 Residential Amenity*.

4.3 COMMERCIAL PREMISES & SHOP TOP HOUSING

4.3.1 INTRODUCTION

This chapter applies to development which is permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)* within zone *B1 Neighbourhood Centre* or zone *B4 Mixed Use*, and to the following types of development which the *Hunters Hill LEP 2012* also might permit in other zones:

- (a) *business premises*
- (b) *commercial premises*
- (c) *hotel or motel accommodation*
- (d) *neighbourhood shops*
- (e) *shop top housing* in conjunction with ground floor *business premises* or *retail premises*
- (f) *retail premises*

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

This chapter aims to provide detailed development controls that complement provisions of the *Hunters Hill LEP 2012* together with the provisions of State Environmental Planning Policies which might be applicable to proposals that are covered by this chapter:

- (a) Shop top housing in a building which contains three or more storeys:
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings and the associated guideline *Residential Flat Design Code*.
- (b) Any development site which has a frontage to a classified road that carries an annual average daily traffic volume of 40,000 vehicles:
State Environmental Planning Policy (Infrastructure) 2007.
- (c) Shop top housing in a development which would provide affordable housing:
State Environmental Planning Policy (Affordable Rental Housing) 2009.

Applications for developments which are covered by this chapter also must address other parts and chapters of this Plan which are relevant:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality*.
- (b) *Chapter 3.4 Multi-unit Residential*.
- (c) *Chapter 3.5 Residential Amenity*.
- (d) *Chapter 4.4 Gladesville Village Centre*.
- (e) *Chapter 4.5 Hunters Hill Village*.

- (f) *Part Five General Controls.*

4.3.2 OBJECTIVES OF THIS CHAPTER

General objectives for development that is covered by this chapter are:

- (a) Provide for a high standard of architectural and landscape design that is innovative, that is compatible with the existing context of the surrounding locality (particularly any adjoining residential or open space areas), and that enhances Hunters Hill environmental identity.
- (b) Promote increased housing choice.
- (c) Encourage a high standard of design in business zones and areas.
- (d) Provide for housing that is affordable, environmentally friendly, attractive and enjoyable for people to live in.
- (e) Encourage optimum use of public transport and existing social and community infrastructures by encouraging a mix of residential accommodation and commercial premises close to existing infrastructure, lessening the need for motor vehicle trips, and encouraging pedestrian and bicycle mobility.
- (f) Underpin the viability of business centres by encouraging a mix of land uses within the business zones.

4.3.3 STREETScape

Objectives

Objectives in relation to streetscape are:

- (a) Ensure that the scale and form of new buildings are sensitive to environmental conditions of the surrounding locality.
- (b) Minimise the bulk of new buildings.
- (c) Enhance the character and amenity of streetscapes.
- (d) Improve access and landscaping as appropriate to the street's functions and environmental conditions of the locality.

Controls

Development proposals should comply with the following controls:

- (a) Ensure that the appearance of buildings from public streets and adjoining sites is attractive and visually compatible with any dominant design themes that are demonstrated by surrounding development, and/or with the likely future character of the surrounding area in terms of:
 - (i) Building mass and proportions.
 - (ii) Ground floor height above street level.

- (iii) Roof pitches, where the majority of new roofs would not be more than 5 degrees steeper, or five degrees flatter, than the predominant pitch of surrounding roofs which are visible from the site. If buildings that surround the site have flat roofs, steeper pitches for new roofs may be acceptable if they would contribute to streetscape quality.
- (iv) Articulation of facades by verandahs or balconies, eaves or parapets.
- (v) Detailing of facades according to window and door proportions, materials and patterns, textures and colours, and decorative elements.
- (vi) Location and dimensions of driveways.
- (vii) Where relevant, by the appropriate design and alignment of fences.

Notes. Likely future character may be estimated by reference to zone objectives, development standards and relevant local provisions that are specified by the *Hunters Hill LEP 2012*, together with controls for desired character in *Chapter 2.2 Character*.

Future character also might be determined by an urban design study or an environmental enhancement plan which the Council has prepared and adopted for the surrounding locality.

- (b) Developments that include *shop top housing* should be compatible with their surrounding commercial area:
 - (i) The design of individual dwellings should contribute to visual variety of a building's exteriors, and should minimise building bulk.
 - (ii) The residential component of a mixed development should have a separate identifiable entrance and address.
 - (iii) Pedestrian access to the residential component of a mixed development should be clearly defined, appropriately lit, and should provide night-time access which is safe and secure.
- (c) Design of landscaped areas on each site should:
 - (i) Be sensitive to the site's attributes or character, and integrated with design of the proposed development.
 - (ii) Provide for infiltration of stormwater run-off wherever practicable, but subject to considerations related to site soils and the locality's existing or desired characters.
- (d) Landscaping of public or communal streets should:
 - (i) Define a theme for new streets, or complement existing streetscapes.
 - (ii) Complement existing or desired functions of the street.
 - (iii) Reinforce desired traffic behaviour and speed.

- (iv) Include appropriate street trees, having regard for image and role of the street, solar access requirements, local soils, appropriate species, and the location of utility services.
 - (e) Provide an analysis of impacts of the proposed development in relation to the existing streetscape and likely future character of the surrounding locality:
 - (i) Analysis should include a schedule of external finishes that illustrates proposed building materials, pavements, retaining walls and fences.
 - (ii) Confirm shadow impacts in relation to neighbouring dwellings.
- Note.** Acceptable shadow impacts are specified by *Chapter 3.5 Residential Amenity*.

4.3.4 MIXED USE DEVELOPMENTS

Objectives

Objectives for mixed use development proposals that include *commercial premises* and *shop top housing* are:

- (a) Provide an appropriate mix of *residential accommodation* and *commercial premises* to ensure that commercial villages continue to provide the community with retail, commercial and business services.
- (b) In residential locations, respect the amenity and landscape character of the surrounding area.

Controls

Mixed use development proposals that include *commercial premises* and *shop top housing* should comply with the following numeric controls:

- (a) A minimum of 50% of the ground floor (excluding car parking) should accommodate business, commercial or retail uses that are located at street level.
- (b) In residential locations, there should be a maximum of one dwelling per 75m² of site area.
- (c) These controls may be varied subject to conformity with the locality's existing character, or desired character which is recommended by an urban design study or environmental enhancement plan that has been adopted by the Council.
- (d) Controls also may be varied in order to provide incentives for the provision of positive public benefits as part of a development proposal.

4.3.5 HEIGHT

Objectives

Objectives in relation to height are:

- (a) Integrate new development with the scale of surrounding development or future development that is permitted by the *Hunters Hill LEP 2012*.

- (b) Minimise visual dominance, and any undesirable impacts in relation to overshadowing or the loss of privacy.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following controls which complement LEP objectives for the maximum height of buildings:

- (a) Height and design of elevations adjacent to a footpath or road should display a human scale and human proportions.
- (b) Height should not generate shadow impacts upon a neighbouring dwelling which would exceed the requirements of *Chapter 3.5 Residential Amenity*.

4.3.6 SETBACKS

Objectives

Objectives in relation to setbacks are:

- (a) Contribute to attractive streetscapes.
- (b) Ensure reasonable visual and acoustic privacy.
- (c) In residential areas, to accommodate substantial landscaping and retain any mature tree canopy.
- (d) Allow flexibility in the siting of buildings.
- (e) Contribute to modulation of building forms by incorporating varied vertical and horizontal setbacks for facades.
- (f) Accommodate improved access to buildings.

Controls

1. Front boundary setbacks

Front boundary setbacks should comply with the following controls:

- (a) Setbacks should increase progressively as wall height increases in order to reduce bulk and overshadowing, and to maintain adequate daylight and sunlight.
- (b) A minimum front setback of 3.5 metres applies to any third storey above *ground level (existing)* unless otherwise specified by another chapter of this Plan, or by an urban design study that has been prepared and adopted by the Council.
- (c) Setbacks in residential areas should be consistent with the predominant established building alignment along the street.

Notes. *Setback* is defined by the *Hunters Hill LEP 2012* (see *building line* or *setback*), and includes all elements or components of a proposed building (whether located above or below ground).

Storey is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

2. Side & rear boundary setbacks

Side and rear boundary setbacks should comply with the following controls:

- (a) A zero setback from side boundaries may be acceptable.
- (b) If materials proposed for the side wall of a building would require future maintenance, side setbacks should be a minimum of 900mm.
- (c) For development proposals that include *shop top housing* next to land that is zoned or used for residential purposes:
 - (i) Setbacks from side or rear boundaries should achieve reasonable separation between windows and private open spaces of dwellings on adjoining properties.
 - (ii) Side boundary setbacks should not be less than 1.5 metres and rear boundary setbacks should not be less than 4 metres **provided that** proposed elevations do not contain windows or open spaces which would allow cross viewing between dwellings on adjoining properties.

Note. Dimensions which achieve reasonable separation are specified by the *Residential Flat Design Code* under *State Environmental Planning Policy No 65*.

- (d) Minor encroachments into setback areas which are permissible include roof eaves, sunhoods, gutters, downpipes, chimneys, light fittings, electricity and gas meters, TV aerials and satellite dishes.
- (e) For development proposals that include *shop top housing* next to land that is zoned or used for residential purposes, unbroken facades should not be longer than 12 metres.
- (f) All facades should be modulated by varied setbacks, courtyards, balconies and other appropriate architectural treatments.

4.3.7 LANDSCAPED AREAS

Objectives

Objectives in relation to landscaped areas are:

- (a) Implement recommendations by any landscape master plan, urban design study or environmental enhancement plan that has been adopted by the Council.
- (b) Ensure that new developments complement existing landscape character of the surrounding locality, and that proposed landscaping reflects natural attributes of the surrounding locality.

- (c) Provide sufficient landscaping to complement proposed developments, as well as to reduce scale, bulk and mass of proposed buildings.
- (d) Create attractive residential living environments within commercial centres.
- (e) Where appropriate, to retain, regenerate and promote the planting of indigenous trees, shrubs and ground covers as integral elements of urban design quality.

Controls

Landscaping should comply with the following controls:

- (a) The minimum *landscaped area* is 20% of the site area, or 20m² per dwelling, whichever is greater.
- (b) Calculation of *landscaped area* may not include any land that has a length or a width less than 2 metres.
- (c) For any proposed canopy tree, the minimum soil volume for a planter bed should not be less than 10m³.
- (d) Extent of paved surfaces should be minimised, and should be integrated with the design and character of landscaped areas.
- (e) Type and scale of proposed landscaping should be in proportion to the scale of proposed buildings: tall canopy trees should be used to reduce the scale of large buildings.
- (f) Existing natural features such as rock outcrops and mature trees that are taller than 4 metres should be retained, especially near the site's boundaries.
- (g) Provide street trees to complement and/or enhance streetscape where appropriate.

Note. *Landscaped area* is defined by the *Hunters Hill LEP 2012*, and does not include any planted area which is constructed above a basement or a storey below.

4.3.8 PRIVATE OPEN SPACE

Objectives

Objectives for development proposals that include *shop top housing* are:

- (a) Ensure that all dwellings are provided with private open spaces that are useable and suitably located for recreation, service functions and storage.
- (b) Integrate private open spaces with indoor living areas.
- (c) Locate private open spaces to receive sufficient sunlight.

Controls

Development proposals that include *shop top housing* should comply with the following controls:

- (a) Private open spaces should be provided for each dwelling, and should be directly accessible from living areas.
- (b) For each dwelling that would be located at ground level: private open space should not be smaller than 20m², or have a dimension that is less than 3 metres.
- (c) For each dwelling that would be located above ground level: private open space should not be smaller than 10m², or have a dimension that is less than 2 metres.
- (d) Balconies that provide private open spaces should be oriented towards front or rear boundaries of the site, rather than toward a side boundary where they would overlook neighbouring buildings.
- (e) Privacy of private open spaces should be protected by landscaping, planter boxes, lattice screens or the like.
- (f) Future enclosure of balconies which provide private open spaces will not be permitted.

4.3.9 SOLAR DESIGN & ENERGY EFFICIENCY

Objectives

Objectives for all development proposals are:

- (a) Encourage energy efficient design and layout for *shop top housing*.
- (b) Provide adequate daylight and ventilation for habitable rooms, and adequate sunlight to living areas and private open spaces.
- (c) Preserve solar access for existing properties.
- (d) Encourage ecologically sustainable developments which reduce the use of fossil fuels for heating and cooling, and which encourage use of renewable energy.
- (e) Reduce ongoing costs for residents in relation to the use of energy and water.

Controls

Development proposals should comply with the following controls:

- (a) The majority of proposed dwellings should have living rooms and private open spaces which receive reasonable sunlight as specified by *Chapter 3.5 Residential Amenity*.
- (b) Proposed developments should maintain reasonable sunlight for adjacent dwellings as specified by *Chapter 3.5 Residential Amenity*.
- (c) Development proposals should be designed and orientated to minimise the use of fossil fuel energy:
 - (i) Use of solar energy for heating and lighting should be maximised.
 - (ii) Proposed dwellings should be provided with natural cross ventilation and daylight.

- (iii) Stairwells and common areas in multi-unit developments should receive natural daylight and ventilation.
- (iv) Windows should be sized, located and shaded to reduce summer heat and to allow the entry of winter sun.
- (v) Window shading may be provided by horizontal or vertical screens and shutters, by recessed windows, by overhanging balconies, eaves, verandahs or pergolas, or by large trees such as deciduous species which block hot summer sun but admit warming winter sun.
- (vi) Carparks should be designed to avoid reliance upon mechanical ventilation, but where mechanical ventilation is unavoidable, time clocks should concentrate operation to peak hours or regular intervals.
- (vii) Building materials and insulation should assist thermal performance, with high thermal mass materials concentrated around living areas to capture sunlight during winter, and insulation provided for all ceilings, roofs, walls and floors.
- (viii) Landscaping should admit sun during winter and provide summertime shade, as well as filtering the air.
- (ix) Development proposals should incorporate facilities for recycling and composting, as well as low energy and reduced water flow fixtures that include dual flush toilets, and provide for the storage and reuse of roof water.

4.3.10 PRIVACY

Objectives

Objectives for all development proposals are:

- (a) Limit overlooking into neighbouring dwellings and private open spaces.
- (b) Substantially contain noise within each building.
- (c) Limit the effect of noise from shared facilities or communal areas upon adjoining dwellings.
- (d) Ensure that housing located next to major roads is designed and constructed to provide comfortable living conditions by reducing adverse impacts of traffic.

Controls

Development proposals should comply with the following controls:

- (a) Visual privacy for all dwellings should be maximized as required by *Chapter 3.5 Residential Amenity*.
- (b) Acoustic privacy for all dwellings should be maximized as required by *Chapter 3.5 Residential Amenity*.

4.3.11 SAFETY & SECURITY

Objectives

Objectives for all development proposals are:

- (a) Enhance community safety (both real and perceived).
- (b) Establish a sense of territory for residents.
- (c) Provide security for residents, visitors and property.

Controls

Development proposals should comply with the following controls:

- (a) A diversity of complementary land uses should be provided to encourage a degree of activity in public places at all times of the day and night.
- (b) Buildings should provide casual surveillance for public and communal streets, and other public areas.
- (c) Dwellings that would be located adjacent to a public or communal open space, or that would face a street, should have at least one habitable room window overlooking those places.
- (d) Shared entrances should serve a maximum of eight dwellings, and should have a lockable door or gate.
- (e) Adequate lighting should be provided for:
 - (i) Building entrances, lobbies and pedestrian paths.
 - (ii) Parking areas.
- (f) Buildings should be designed to discourage or minimise potential access between roofs, and balconies or windows of dwellings.

4.3.12 SITE FACILITIES & SERVICES

Objectives

Objectives for all development proposals are:

- (a) Provide site facilities and services which are necessary for each development.
- (b) Ensure that site facilities and services are compatible with streetscape character and are integrated with the development's design.
- (c) Locate site facilities and services to ensure convenient access by residents and other users or service authorities.
- (d) Ensure that site facilities and services are durable and require minimal maintenance.

Note. Site facilities include storage for garbage bins and household items, mail boxes, clothes drying areas and antennas.

Controls

Development proposals should comply with the following controls:

- (a) Construction of site facilities should be highly durable, and where appropriate, waterproof and rot resistant.
- (b) Lockable storage of 8m³ should be provided for each dwelling area, either within the dwelling or associated with parking areas.
- (c) Suitable clothes drying facilities should be provided for *shop top housing*:
 - (i) Outdoor drying facilities should be screened from the street and neighbouring dwellings, and should receive direct sunlight.
 - (ii) Clothes drying for dwellings that do not have private open space at ground level may be in a communal area or clothes dryer within the dwelling.
- (d) Master television antennas should be provided for developments that include *shop top housing* in order to minimise the number of television antennas and satellite dishes.
- (e) Floor plans should accommodate current and future installations of cabling for telecommunications, lighting and home automation facilities without the need for costly retro fitting or attachment of conduits to outside walls.

4.4 GLADESVILLE VILLAGE CENTRE

4.4.1 INTRODUCTION

This chapter applies to all properties that are located along Victoria Road at Gladesville which are zoned B4 under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*, and to lands zoned B4 which are located near Victoria Road:

- (a) Collectively, these properties are known as the *Gladesville Village Centre*.
- (b) The village centre includes a *Key Site* where more detailed controls apply:
 - (i) The *Key Site* is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street.
 - (ii) Detailed controls for the *Key Site* are provided in section 4.4.8 of this chapter, and those detailed controls shall prevail in the event of any inconsistency with another control in this chapter, or with any control in Chapter 4.3 *Commercial Premises & Shop top Housing*.

This chapter provides detailed development controls that complement provisions of the *Hunters Hill LEP 2012* together with State Environmental Planning Policies which are applicable to development proposals which involve:

- (a) Residential flat buildings, or shop top housing, in buildings which contain three or more storeys: *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* and the associated guideline *Residential Flat Design Code*.
- (b) Any development site which has a frontage to a classified roads that carries an annual average daily traffic volume of 40,000 vehicles: *State Environmental Planning Policy (Infrastructure) 2007*.
- (c) Residential flat buildings or shop top housing which would provide affordable housing: *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Applications for developments which are covered by this chapter also must address other parts and chapters of this Plan which are relevant:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality*.
- (b) *Chapter 3.4 Multi-unit Residential*.
- (c) *Chapter 3.5 Residential Amenity*.
- (d) *Chapter 4.3 Commercial Premises & Shop top Housing*
- (e) *Part Five General Controls*.

4.4.2 OBJECTIVES OF THIS CHAPTER

General objectives for development that is covered by this chapter are:

- (a) Service local communities with a wide range of uses that are appropriate for a village centre which is vibrant and expanding.
- (b) Accommodate major developments which combine a mixture of retail, commercial, residential, community and entertainment activities.
- (c) Encourage a more cohesive built form, including new buildings that are visually compatible with existing streetscapes and heritage items.
- (d) Ensure that new buildings provide an appropriate transition between the village centre and surrounding residential neighbourhoods.
- (e) Maximise levels of pedestrian and business activity along all street frontages.
- (f) Enhance design quality and safety of the existing public domain.
- (g) Provide new pedestrian links and urban spaces which are designed as safe and attractive outdoor rooms, and which encourage access from surrounding neighbourhoods.
- (h) Integrate off-street parking and loading areas with built form and without compromising pedestrian or business activity along street frontages.

4.4.3 DESIRED CHARACTER

Development proposals should be consistent or compatible with detailed controls for desired character which apply to the following areas within the *Gladesville Village Centre* (in addition to satisfying the desired character controls in *Chapter 2.2 Character*):

- (a) For the *commercial core precinct* which extends from Pittwater Road to Junction Street:
 - (i) Transform the shopping strip into a vibrant mixed-use centre.
 - (ii) Contribute to revitalization of the village centre as a whole by effective redevelopment of the existing *Gladesville Shopping Village* and adjoining properties.
 - (iii) Enhance the amenity of existing streets and retail frontages by new developments which incorporate public domain improvements such as a new public square that is protected from traffic noise in Victoria Road, landscaping and new paving or street furniture.
 - (iv) Along street frontages, retain the continuity of established building alignments or setbacks, as well as footpath awnings.
- (b) For the *South Gladesville precinct* which extends southwards from Junction Street:
 - (i) Transform this low rise residential precinct to create an attractively landscaped southern entrance for the village centre as a whole, and an appropriate transition from surrounding residential neighbourhoods.
 - (ii) Ensure that new developments provide well landscaped deep soil setbacks to Victoria Road which are supplemented by street tree plantings.

- (c) In relation to the *Heritage Conservation Area* which is defined by the *Hunters Hill LEP 2012*:
- (i) Maintain the established scale and rhythm that has been influenced by predominant allotment widths and existing buildings by appropriate building forms and detailing of street façades, such as masonry piers that divide successive shopfronts, and balconies that are recessed behind the line of exterior walls.
 - (ii) Provide street facades with a predominance of masonry walls that contain a considered composition of 'punched' windows, with fully glazed facades occupying only a minor proportion of each building.
 - (iii) Ensure that the composition of new facades is compatible with traditional facades, for example by using vertical proportions for windows and recessed balconies in order to create rhythmic patterns.
 - (iv) Promote architectural detailing for new facades which is compatible with traditional facades, for example by employing corbels, lintels, string courses or cappings that avoid sheer or planar facades.
- (d) For the east-west streets that provide links to Victoria Road:
- (i) Enhance established roles as pedestrian pathways and local traffic routes by new street tree plantings, paving and street furniture.
 - (ii) Along these streets, employ building alignments or setbacks which vary according to proximity of each site to Victoria Road or to residential neighbourhoods.

4.4.4 HEIGHTS

Objectives

Objectives in relation to height are:

- (a) Promote compatibility with the character of existing streetscapes by ensuring an appropriate scale for new developments in proximity to the *Heritage Conservation Area* and also in relation to residential neighbourhoods nearby.
- (b) Retain adequate sunlight for all buildings, streets and public spaces.
- (c) Ensure that ground floor levels are adaptable, and may accommodate a wide range of uses over time.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following controls which complement LEP objectives for the maximum height of buildings:

- (a) Buildings should not exceed the maximum number of storeys which is specified by Table 4.1, and which should be measured in relation to *ground level (existing)* beneath any point of the proposed building.

- (b) Storeys should incorporate minimum floor-to-ceiling heights which vary according to the use which is proposed to be accommodated:
 - (i) For *residential accommodation*: a minimum of 2.7 metres.
 - (ii) For *business premises* or *commercial premises*: generally a minimum of 3.6 metres.
 - (iii) For small *shops*: a minimum of 2.7 metres.

Table 4.1 Maximum number of storeys in the Gladesville Village Centre

<i>Height of buildings</i> see LEP 2012 clause 4.3	<i>Number of storeys</i>
6m	1 to 2 storeys (subject to assessment of heritage impact)
9m	2 storeys + attic
16m	5 storeys (street level retail plus 4 storeys)
18m	5 storeys
19m	5 storeys
26m	7 storeys
34m	9 storeys (existing retail building plus 7 storeys)

Notes. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

In relation to the *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street, maximum building heights and details regarding ceiling heights are specified by section 4.4.9.

4.4.5 SETBACKS

Objectives

Objectives in relation to setbacks are:

- (a) Maintain established building alignments within the village centre’s *commercial core* precinct.

- (b) Create a landscaped gateway to the village centre in the *South Gladesville precinct*.
- (c) Promote compatibility with the character of existing streetscapes by ensuring appropriate setbacks and landscaping for new developments in proximity to the Heritage Conservation Area and also in relation to residential neighbourhoods nearby.
- (d) Maximise visibility of shop frontages in relation to public footpaths, particularly within the village centre's *commercial core* precinct.
- (e) Accommodate desired street tree plantings and awnings without encroachment beyond alignments of existing street kerbs.
- (f) Contribute to the desired articulation of new building forms which incorporate a base, a middle and a distinctive roofline.
- (g) Accommodate upper storey terraces which provide private or communal open spaces.

Controls

Development proposals should comply with the following controls:

- (a) Street setbacks for the lowest three storeys in any building should be:
 - (i) In the *commercial core precinct*: a maximum of zero for exterior walls, but windows and doors may be recessed behind the line of exterior walls.
 - (ii) In the *South Gladesville precinct*: a minimum of 5 metres which predominantly should be deep soil that will support large trees and vegetation.
 - (iii) Required setbacks may include minor indentations to a maximum distance of 0.4 metres for windows or doors that are recessed behind the face of an exterior wall.
- (b) Street setbacks for upper storeys (level 4 and above) should be:
 - (i) A minimum of 5 metres for the *commercial core precinct*.
- (c) Setbacks from rear boundaries that adjoin a residential property should be:
 - (i) For the lowest two storeys (ground floor/level one and level 2): a minimum of 3 metres which predominantly should be deep soil that will support large trees and screening vegetation.
 - (ii) For upper storeys (level 3 and above): a minimum of 12 metres.
- (d) For *shop top housing* and *residential flat buildings*: setbacks and separations between adjoining facades that incorporate windows and/or balconies should be consistent with the *Residential Flat Design Code* under *State Environmental Planning Policy No 65*.

Notes. *Setback* is defined by the *Hunters Hill LEP 2012* (see “*building line or setback*”), and includes all elements or components of a proposed building (whether located above or below ground).

In relation to setback controls, the 'lowest storeys' are measured according to *ground level (existing)* along the relevant boundary.

In relation to the *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street, setbacks are specified by section 4.4.9.

4.4.6 ACTIVE FRONTAGES

Objectives

Objectives in relation to active frontages are:

- (a) Promote uses and visible activity at ground floor level that would maximise pedestrian traffic along street frontages and across public open spaces.
- (b) By promoting visible activity at ground floor level, contribute to village centre's commercial performance and viability.
- (c) Also by promoting visible activity, contribute to safety and security of the public domain.
- (d) By limiting ground floor residential in high activity locations, avoid privacy problems for dwellings that would be situated at street level and next to, or close to, a major road.
- (e) Promote site planning and design features which encourage high levels of pedestrian traffic along street frontages and across public open spaces.

Controls

Development proposals should comply with the following controls:

- (a) Provide *active uses* at ground level in the following locations:
 - (i) Along all frontages to Victoria Road.
 - (ii) For secondary streets that intersect with Victoria Road: along at least those portions of the street frontage which are located within 20 metres of the intersection with Victoria Road.
 - (iii) Facing any public open space that is located upon private or public lands.
- (b) *Active uses* which contribute to pedestrian activity are defined to include:
 - (i) *Business premises, commercial premises and office premises.*
 - (ii) *Restaurants or cafes, retail premises and shops.*
 - (iii) *Community facilities and places of public worship.*
 - (iv) *Entertainment facilities and function centres.*
 - (v) *Hotel or motel accommodation, and pubs.*
 - (vi) *Medical centres and public administration buildings.*

- (vii) *Residential accommodation and serviced apartments*, including entrances and lobbies to *residential accommodation* or to *serviced apartments*.
- (c) Floor space which accommodates an *active use* should have a depth of at least 10 metres (measured perpendicular to the street frontage).
- (d) Elements which detract from desired *active uses* at ground level are acceptable only where no practical alternative location exists:
 - (i) Entrances to garages or loading areas.
 - (ii) Service cupboards and storage areas.
- (e) The following elements and details contribute to the effectiveness of *active uses* along a street frontage, and should be provided where applicable:
 - (i) In relation to serviced apartments, hotels and motels: the location of lobbies, shops and restaurants or cafes at ground level.
 - (ii) Awnings above street footpaths, or surrounding any public open space, that provide continuous weather protection for pedestrians (note that glazed awnings are not encouraged because they typically do not provide effective sun control, and also because they require extensive maintenance to ensure an attractive streetscape).
 - (iii) Lighting along street footpaths and surrounding public open spaces (typically, but not always, fitted beneath an awning) that contributes to after-hours safety and security.
 - (iv) Sun control blinds or awnings (typically, but not always, fitted to an awning) that provide summer-time protection for pedestrians.
 - (v) Where security shutters are required: the use of see through grilles that permit views to and from interiors (note that opaque roller-shutter doors are not desirable).

Note. In relation to the *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street, requirements for active frontages are specified by section 4.4.8.

4.4.7 PUBLIC DOMAIN

Objectives

Objectives in relation to the public domain are:

- (a) In association with redevelopment of properties, to improve the landscape character and amenity of existing pedestrian routes and public places.
- (b) As important elements of major development projects, to supplement the existing pedestrian network by providing new pedestrian links and open spaces that encourage pedestrian and commercial activities.

- (c) Generally, to improve pedestrian access within the village centre, and from surrounding residential neighbourhoods into the village centre.
- (d) Also in general, to promote safety and security along pedestrian routes and in public places.
- (e) Emphasise the hierarchy of public places and streets by appropriate tree plantings that also contribute to shade, pedestrian amenity and identity of the village centre.
- (f) Co-ordinate the civic design of public places within the village centre.

Controls

Development proposals should comply with the following controls:

- (a) Provide pedestrian connections and public places as elements of the larger scale developments:
 - (i) Only in locations that would complement the established pedestrian network, and where those new places would contribute to viable business activity within the village centre.
 - (ii) Arcades or alleyways should have a minimum width of 3 metres, and alignments should provide clear sightlines from one end to the other, or from the street entrance to a major on-site public place.
 - (iii) Active uses should be provided along a high proportion of frontages.
 - (iv) Spaces and places should be publicly-accessible from 7:00 am until at least 7:00 pm daily (however 24 hour public access with security-monitoring is preferred)
 - (v) Spaces should have natural lighting and ventilation, together with effective night-time lighting.
 - (vi) Spaces should provide barrier-free access that is suitable for people with disabilities.
- (b) Where appropriate, public landscaping should be provided as a component of larger-scale developments:
 - (i) New street trees should incorporate species that complement the palette of existing street trees.
 - (ii) New street trees should be located according to the scale of buildings nearby, widths of streets and verges, and according to environmental considerations such as soil type and aspect.
 - (iii) Suggested planting themes should incorporate:
 - Along Victoria Road southwards from Junction Street: large evergreen trees which are indigenous species.

- Along Pittwater Road, Cowell Street and Hillcrest Avenue: large trees that complement existing species.
 - Along Massey Street, Flagstaff Street, Junction Street and Batemans Road: small trees.
- (c) Where appropriate, paving and street furniture should be provided as components of larger scale developments:
- (i) New street furniture and lighting, together with special paving, should emphasise major pedestrian routes within the *commercial core precinct*.
 - (ii) Paving and street furniture should be consistent with existing elements, or as determined by the Council.
 - (iii) Wherever possible, overhead cables should be relocated below ground.

4.4.8 KEY SITE

1. Strategic objectives

The *Gladesville Village Centre* includes a *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street.

Strategic objectives in relation to this *Key Site* are:

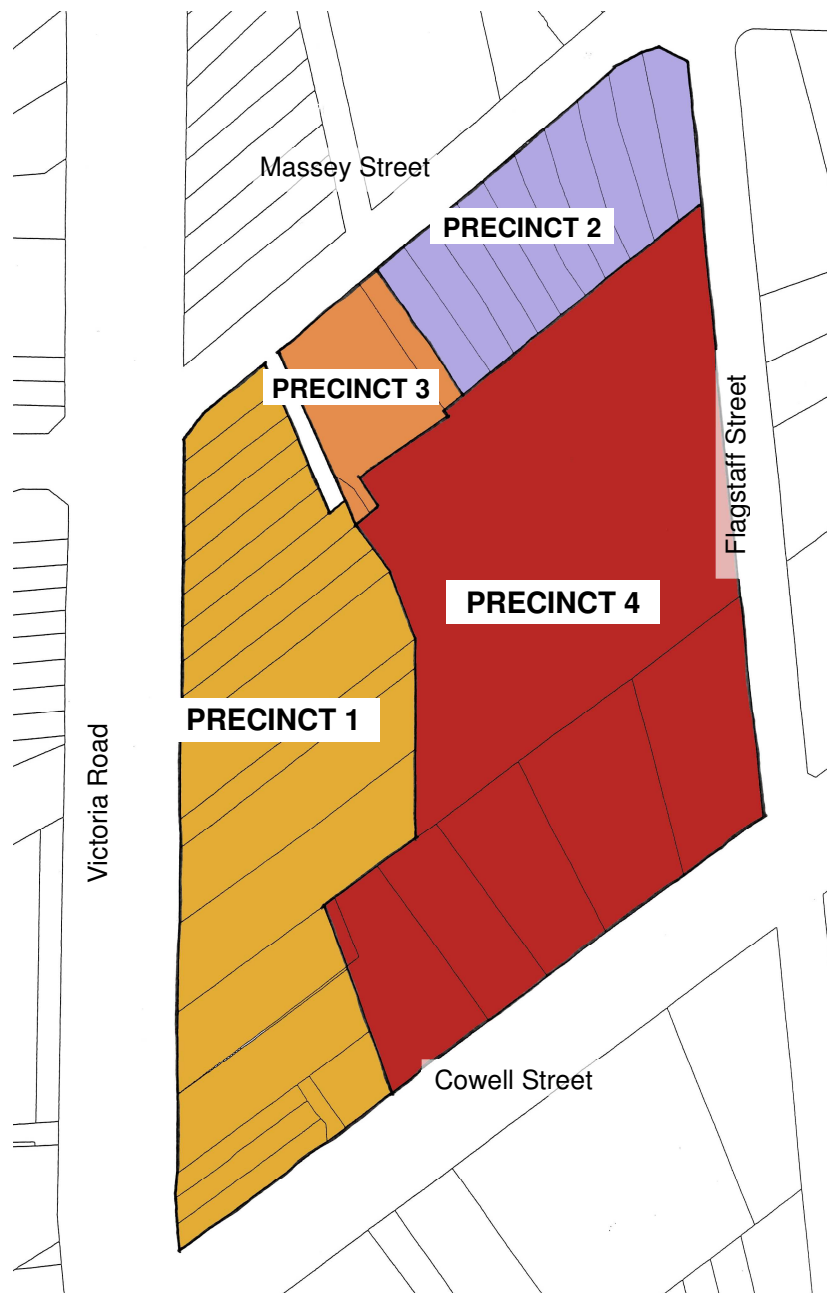
- (a) Encourage co-ordinated redevelopment in order to create a mixed village of housing, shops and businesses.
- (b) Increase current levels of retail activity in order to maintain the village centre's role as an effective local shopping centre.
- (c) Attract a wider range of business activities and local employment opportunities.
- (d) Accommodate new residents in a location that is close to trunk bus services which provide direct access to major metropolitan employment centres.
- (e) Modernise existing building stock in order to address contemporary housing needs and commercial requirements.
- (f) Improve the current network of public places and pedestrian paths.

2. Development precincts

Objectives

Within the *Key Site*, objectives in relation to development precincts are:

- (a) Provide a framework for detailed controls to co-ordinate the most effective re-development of this *Key Site*.
- (b) Define areas within this *Key Site* where existing characteristics demand specific development outcomes or particular development controls.

Figure 4.1 Development precincts within the Gladesville Village Key Site

Controls

Development proposals should comply with the following controls:

- (a) Respond to detailed development controls which are relevant to the applicable precinct which is defined by figure 4.1:
 - (i) *Precinct 1*: properties that face Victoria Road.
 - (ii) *Precinct 2*: the existing townhouse style development facing Massey Street near the intersection with Flagstaff Street.

- (iii) *Precinct 3*: the existing commercial property facing Massey Street next to the public laneway.
- (iv) *Precinct 4*: the remaining portion of this street block which comprises retail and residential properties plus Council owned lands.
- (b) In *Precinct 1*: width of any development site shall be sufficient to accommodate on-site parking as required by Council's policies.
- (c) In *Precinct 2*: any re-development of existing buildings must maintain existing right-of-way access to neighbouring properties.
- (d) In *Precinct 3*: co-ordinated re-development in conjunction with *Precinct 4* is most desirable, although a stand-alone mixed use re-development would be acceptable.
- (e) In *Precinct 4*: the co-ordinated mixed-use re-development of all properties is desirable in order to deliver public facilities that are specified by this section.

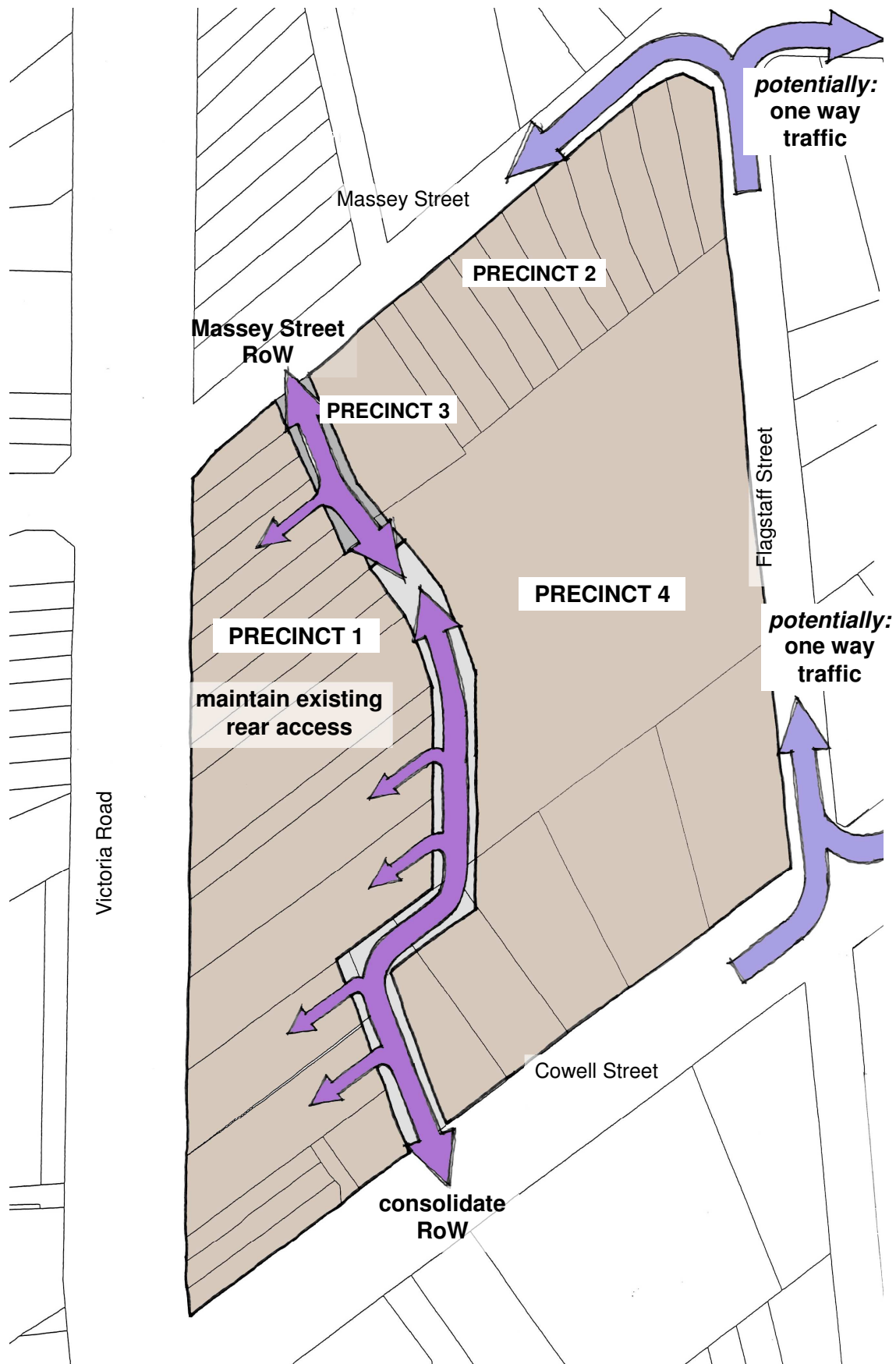
3. Vehicle access & traffic management

Objectives

Within the *Key Site*, objectives in relation to vehicle access and traffic management are:

- (a) Maintain off-street access to all properties which is legally defined by an existing right-of-way.
- (b) Encourage reorganisation of existing rights-of-way to permit the most efficient form of re-development.
- (c) Identify desirable improvements to existing public roads.

Figure 4.2 Vehicle access & traffic management for the Gladesville Village Key Site



Controls

Development proposals should comply with the following controls which are shown on figure 4.2:

- (a) Comprehensive redevelopment in *Precinct 4* shall consolidate and relocate existing rights-of-way (RoW) to align with the rear boundaries of all properties that face Victoria Road.
- (b) The consolidated rights-of-way shall extend continuously from Cowell Street as a 'laneway' which is 8.5 meters wide to accommodate two way traffic plus one footpath. This RoW shall remain fully open to the sky, and shall not be overhung by the upper storeys of any development.
- (c) In conjunction with redevelopment of *Precinct 3*, the existing public laneway and the associated RoW from Massey Street should be realigned and widened to match the required Cowell Street RoW (irrespective of whether the latter RoW has been constructed at that time).

Note. Acceptable building overhangs above this RoW are shown on Figure 4.5.

- (d) The combined rights-of-way should permit free access to the rear of Victoria Road properties and passage from Cowell Street through to Massey Street.
- (e) In conjunction with any comprehensive redevelopment of *Precinct 4*, investigate improved traffic flows such as one-way shoppers' access from Cowell Street to Victoria Road via Flagstaff and Massey Streets, and incorporating reconfiguration of the Massey Street / Victoria Road intersection to provide an exit for north-bound traffic.

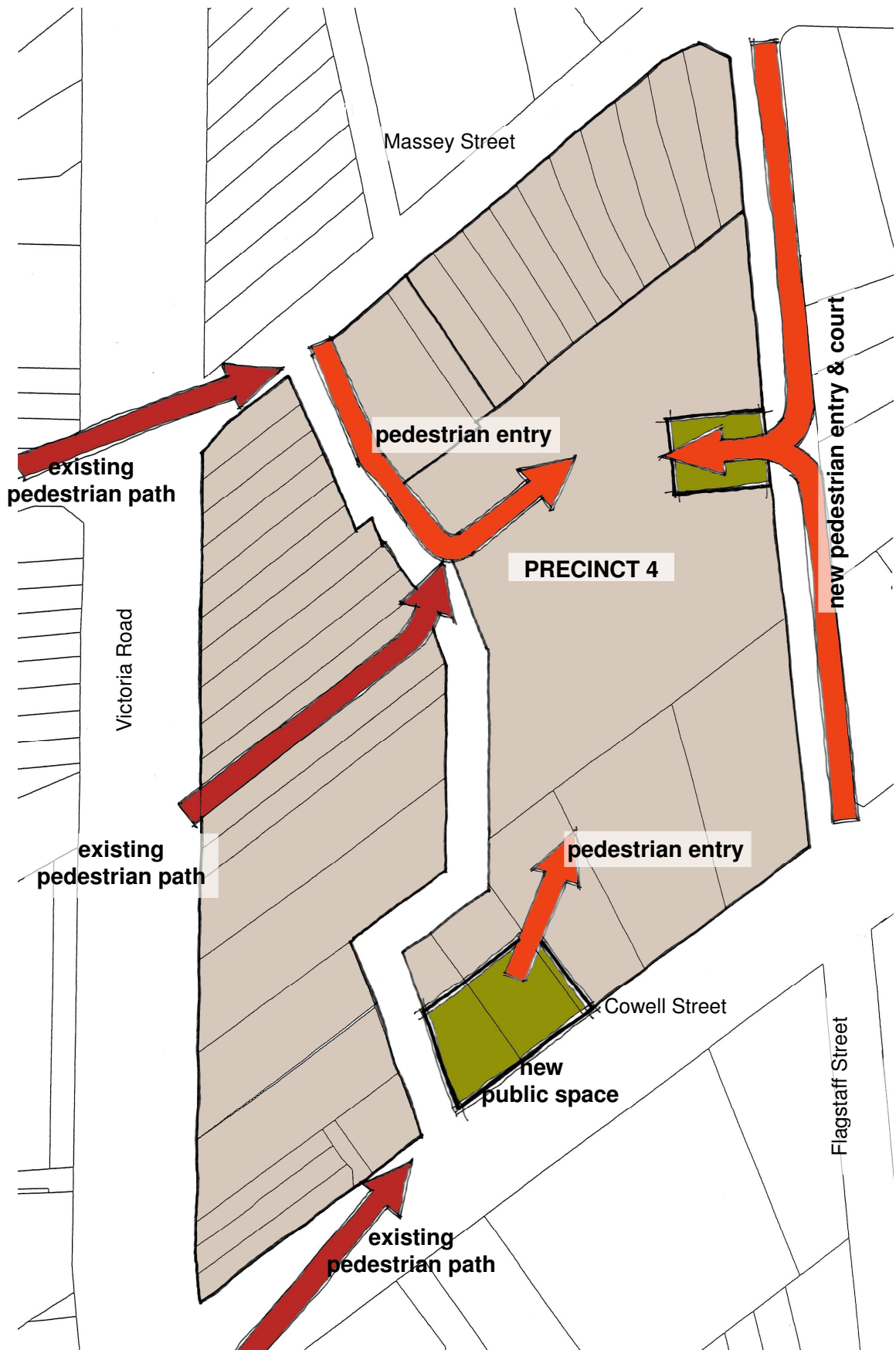
4. Pedestrian links & public places

Objectives

Within the *Key Site*, objectives in relation to pedestrian links and public places are:

- (a) Provide improved pedestrian access to the centre from residential neighbourhoods that are located to the east.
- (b) Define appropriate locations and characteristics for new places that would be accessible to the public.

Figure 4.3 Pedestrian links & public places for the Gladesville Village Key Site



Controls

Development proposals should comply with the following controls which are shown on figure 4.3:

- (a) Maintain existing pedestrian pathways which are positive features of this *Key Site*:
 - (i) From the intersection of Victoria Road and Massey Street via the existing laneway.
 - (ii) Via the existing Gladesville Arcade.
 - (iii) From the intersection of Victoria Road and Cowell Street.
- (b) Comprehensive redevelopment of *Precinct 4* shall provide new pedestrian pathways that permit direct access to the Town Centre via Flagstaff Street from existing residential neighbourhoods to the east.
- (c) Comprehensive redevelopment of *Precinct 4* shall provide a public space facing Cowell Street, in the location shown on figure 4.3 with the following features:
 - (i) A minimum area of 600m².
 - (ii) A minimum street frontage of 30 metres.
 - (iii) Finished surface not lower than RL 46 (AHD) at the western-most end.
 - (iv) Surface grades not steeper than 1:40.
 - (v) Barrier free access from Cowell Street.
 - (vi) Fully open to the sky, with sunlight falling onto at least half of the surface area on any day between 10:30 am and 1:30 pm.
 - (vii) Integrated with active frontages that are shown on figure 4.6.
- (d) Comprehensive re-development of *Precinct 4* also shall provide an outdoor courtyard in the location shown on figure 4.3, and in association with a new entrance from Massey Street which is described in sub-section viii below.

5. Heights

Objectives

Within the *Key Site*, objectives in relation to building heights are:

- (a) Ensure that new building forms are compatible with character of the most significant streetscapes in this village centre.
- (b) Prevent any unreasonable impact upon the character or amenity of surrounding residential areas.
- (c) Specify limits for the scale and intensity of future development.

Controls

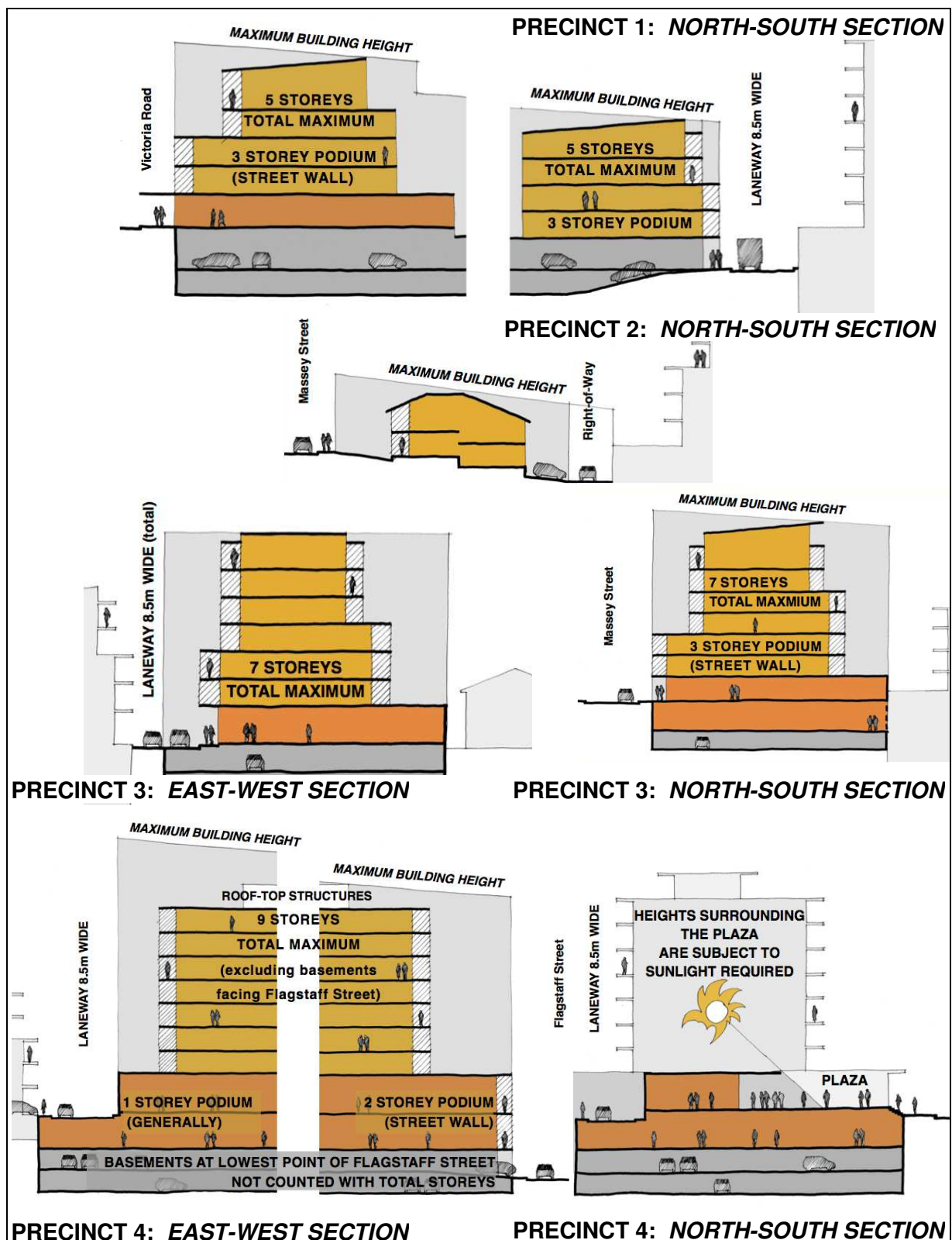
Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.4 (which appears overleaf):

- (a) Comply with *maximum building height* which is specified by the *Hunters Hill LEP 2012*.
- (b) Ensure that shadows cast by proposed building forms would not excessively reduce the amount of sunlight which is available to any existing dwelling:
 - (i) Not less than three hours daily between 9:00 am and 3:00 pm.
 - (ii) The minimum sunlight should be received by living room windows and at least half of any private open space.
- (c) Building forms should not exceed the maximum number of storeys which are specified for each precinct by figure 4.4.
- (d) Accommodate ceiling heights that are appropriate to each land use:
 - (i) Dwellings: 2.7 metres.
 - (ii) Business premises and small shops: between 2.7 metres and 3.5 metres.
 - (iii) Larger shops (such as supermarkets): up to 4.5 metres.
- (e) Note that that maximum building heights might not be achievable in some situations:
 - (i) In the event of excessive shadow impacts upon any existing dwelling nearby.
 - (ii) Where identified values of any heritage item demand special consideration.
 - (iii) If proposed land uses have broad floorplates that 'exhaust' the maximum FSR which is permitted by the *Hunters Hill LEP 2012*.

Figure 4.4 Storey heights for the Gladesville Village Key Site



Notes. Figure 4.4 illustrates the maximum permissible number of storeys for each precinct. Interior floor levels are indicative only. Residential storeys are shown in yellow, and commercial or retail storeys are shown in orange.

6. Building lines & setbacks

Objectives

Within the *Key Site*, objectives in relation to building lines and setbacks are:

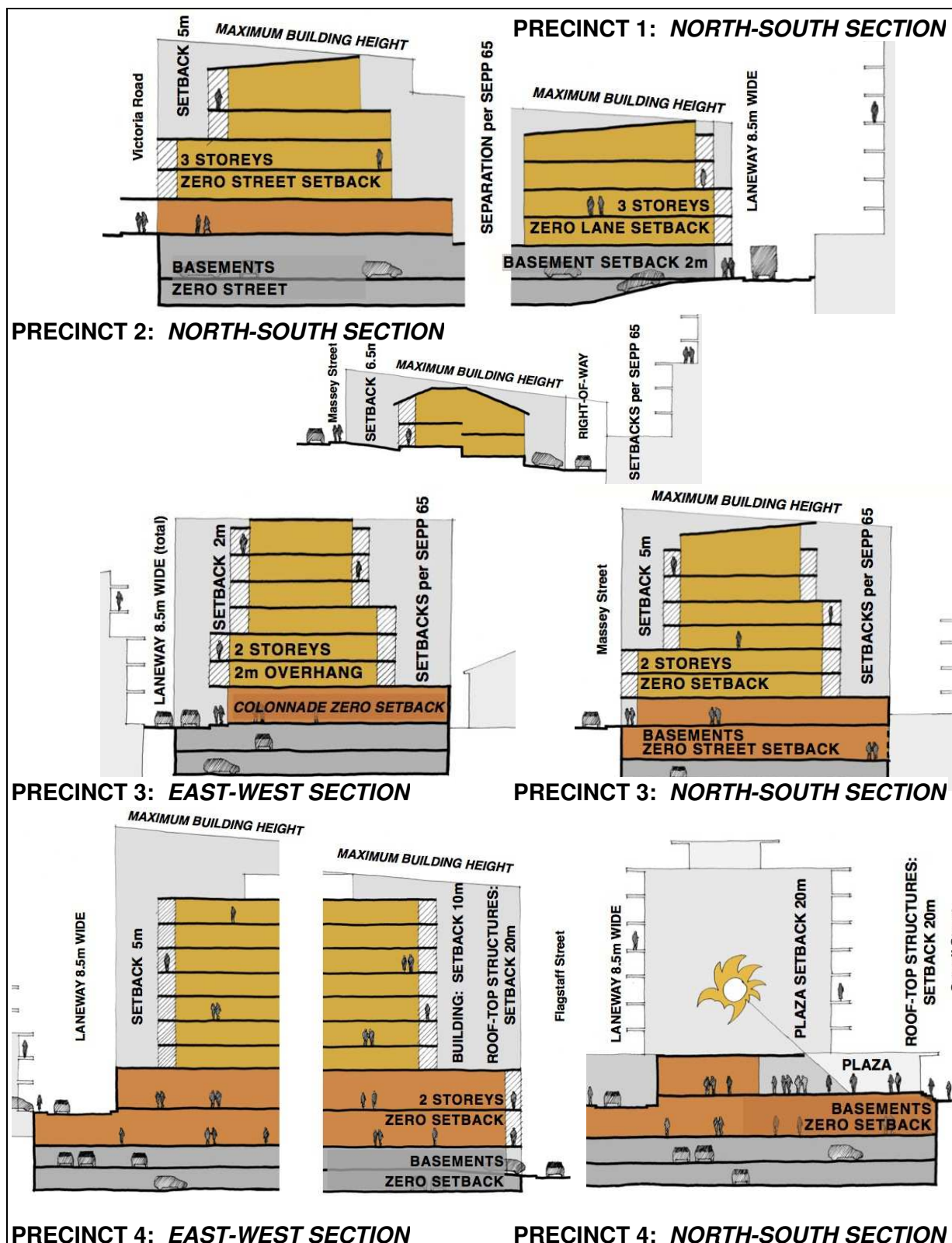
- (a) Ensure compatibility with existing two storey “main street” building frontages along Victoria Road.
- (b) Provide high levels of amenity for residential components of mixed use developments.
- (c) Maximise the visibility of desirable shop frontages facing public streets to support the most effective retail activity.
- (d) Specify limits for the scale and intensity of future development.

Controls

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.5 (which appears overleaf):

- (a) Building forms should not exceed envelopes that are applicable to their street and laneway frontages according to figure 4.5.
- (b) In *Precinct 4*, the combined footprints of residential components should not exceed 40% of the podium area below.
- (c) Also, building forms shall comply with provisions of section 4.3.7, and with the *Residential Flat Design Code* under *State Environmental Planning Policy No 65* in relation to requirements for sunlight, natural cross ventilation and amenity separation.
- (d) Minor encroachments beyond the specified envelopes by elements such as balconies and roofs are acceptable provided that:
 - (i) Sunlight to public places and streets would not be restricted as a result.
 - (ii) Amenity of any existing dwelling nearby would not be compromised.
 - (iii) Heritage values of any listed item would not be affected.
- (e) Note that that maximum envelopes might not be achievable in some situations:
 - (i) If requirements of the *Residential Flat Design Code* cannot be satisfied.
 - (ii) In the event of excessive shadow impacts upon any existing dwelling nearby.
 - (iii) Where identified values of any heritage item demand special consideration.

Figure 4.5 Building lines & setbacks for the Gladesville Village Key Site



Notes. Figure 4.5 illustrates the maximum permissible building envelope for each precinct. Interior floor levels are indicative only. Residential storeys are shown in yellow, and commercial or retail storeys are shown in orange.

7. Active frontages & major entrances

Objectives

Within the *Key Site*, objectives in relation to active frontages and major entrances are:

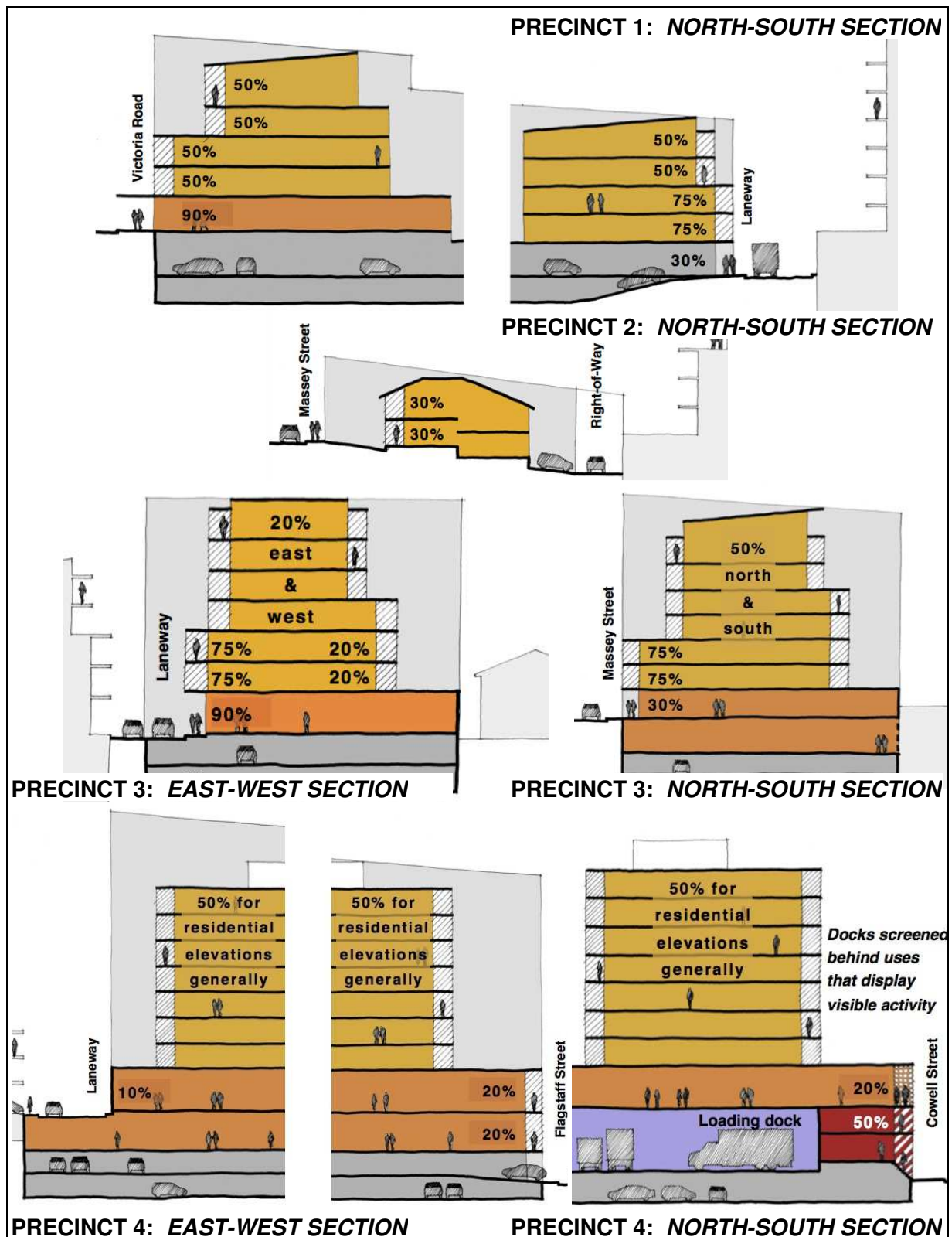
- (a) Promote vibrant streetscapes which attract high levels of public domain activity.
- (b) Contribute to effective retail trading.
- (c) Discourage antisocial behaviour within the Town Centre.

Controls

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.6 (which appears overleaf):

- (a) Provide active ground floor frontages as defined by section 4.3.8 across the minimum proportions of each façade which are specified by figure 4.6.
- (b) Ground floor activity shall include the following strategically important elements:
 - (i) Facing the new Cowell Street plaza: provide a backdrop of shops along two sides of that plaza plus a retail arcade entrance.
 - (ii) Facing Flagstaff Street: locate a new a retail arcade entrance that provides barrier free access from the street footpath.
 - (iii) Facing Victoria Road: shops, business premises and residential foyers should occupy almost the entire street frontage.
 - (iv) Along the eastern side of the laneway at Massey Street: locate a pedestrian colonnade which provides barrier free access from Massey Street to the adjacent retail centre, and which includes a continuous backdrop of shops.
- (c) Upper storey facades shall display visible indoor activity across minimum proportions of each façade which are specified by figure 4.6:
 - (i) Visible activity for residential storeys is provided by balconies and/or large windows in living and dining rooms.
 - (ii) Visible activity for commercial and retail storeys is provided via large display windows, major entrances and outdoor courtyards.
- (d) Carparks and delivery areas shall be screened substantially behind uses that display visible indoor activity:
 - (i) Prominent locations near street corners should be screened behind a “vener” of dwellings and/or business premises.
 - (ii) Less prominent areas may be disguised by well-articulated building facades, or mitigated by windows on the storey which is located immediately above an “inactive” street frontage.

Figure 4.6 Active frontages & major entrances for the Gladesville Village Key Site



Note. Figure 4.6 illustrates the minimum percentage of each façade across which visible activity is desirable. Interior floor levels are indicative. Residential storeys are shown in yellow, and commercial or retail storeys are shown in orange.

8. Parking & delivery access

Objectives

Within the *Key Site*, objectives in relation to parking and delivery access are:

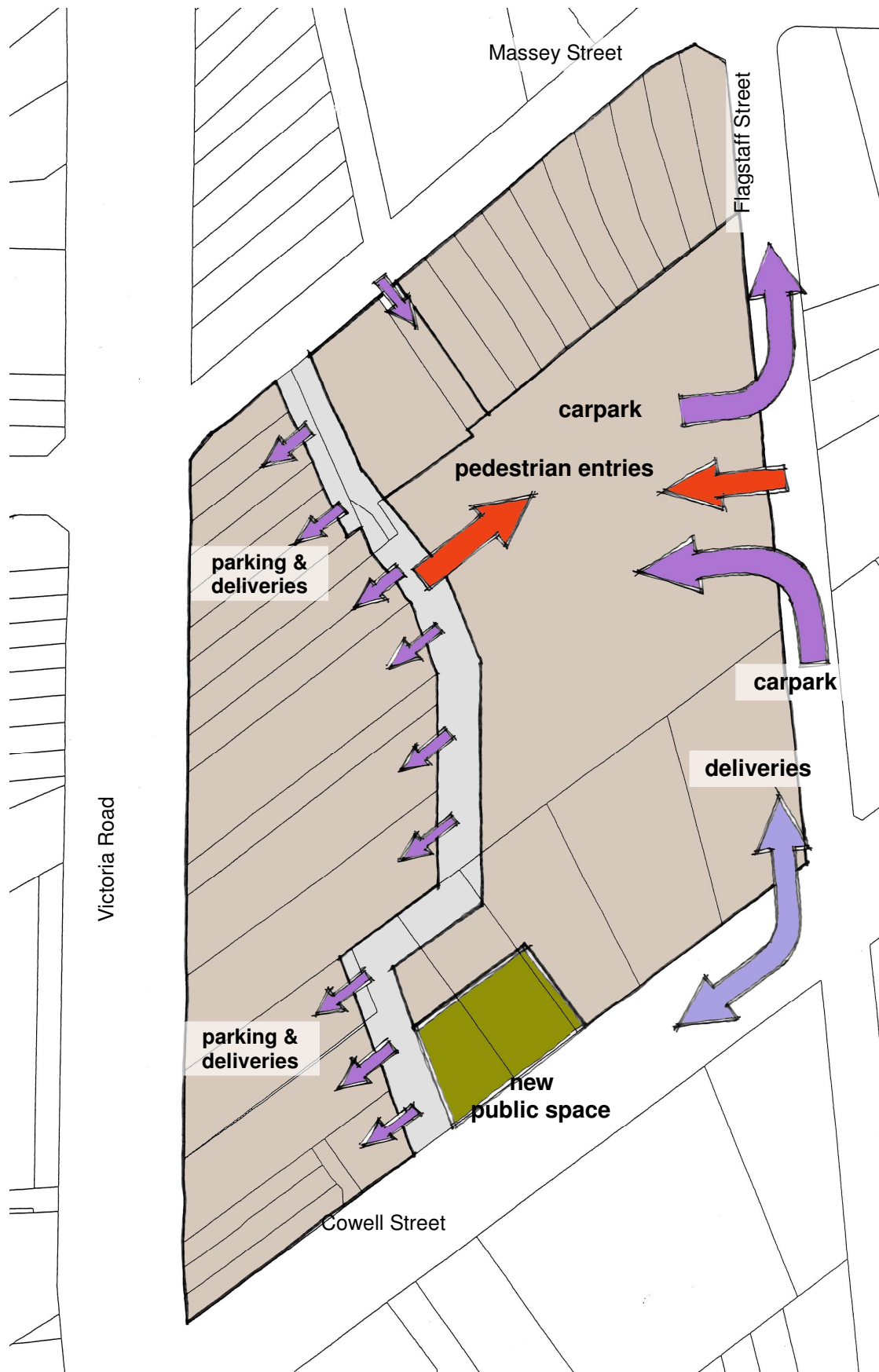
- (a) Accommodate sufficient off-street parking to support current and future business activities within the village centre.
- (b) Provide designated residential parking for new dwellings in the village centre.
- (c) Locate delivery docks where desired levels of pedestrian activity would not be compromised.

Controls

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.7 (which appears overleaf):

- (a) All new developments shall provide parking according to the rates which are specified by *Chapter 5.3 Car parking & vehicle access*.
- (b) Redevelopment of properties where temporary public parking facilities are located currently shall incorporate public parking spaces that are equal to the existing facilities.
- (c) On properties which face Victoria Road, access to developments shall be via the rear of each site only, and shall not interrupt the desired continuity of active frontages along Victoria Road.
- (d) Redevelopment of Victoria Road properties shall ensure that the minimum width of any development site is sufficient to accommodate the required number of parking spaces, as well as permitting vehicles to enter and exit in a forward direction only.
- (e) Delivery docks shall be provided for developments that would accommodate more than one shop and/or a supermarket, and the location of entrances to these docks shall not compromise the amenity and pedestrian safety of major public open spaces, colonnades and entrances, or footpaths.

Figure 4.7 Parking & delivery access for the Gladesville Village Key Site



4.5 HUNTERS HILL VILLAGE

4.5.1 INTRODUCTION

This chapter applies to all properties that are located along Gladesville and Ryde Roads at Hunters Hill which are zoned *B4 Mixed Use* under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*. Collectively, these properties are known as the *Hunters Hill Village*.

This chapter provides detailed development controls that complement provisions of the *Hunters Hill LEP 2012* together with State Environmental Planning Policies which are relevant to development proposals that contain:

- (a) Residential flat buildings or shop top housing in a building with three or more storeys: *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* and the associated *Residential Flat Design Code*.
- (b) Any development site which has a frontage to a classified road that carries an annual average daily traffic volume of 40,000 vehicles: *State Environmental Planning Policy (Infrastructure) 2007*.
- (c) Residential flat buildings or shop top housing which would provide affordable housing: *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Applications for developments which are covered by this chapter also must address other relevant provisions of this Plan which may include:

- (a) *Part Two Character & Heritage of the Hunters Hill Municipality*.
- (b) *Chapter 3.4 Multi-unit Residential*.
- (c) *Chapter 3.5 Residential Amenity*.
- (d) *Chapter 4.3 Commercial Premises & Shop top Housing*
- (e) *Part Five General Controls*.

4.5.2 OBJECTIVES OF THIS CHAPTER

General objectives for development that is covered by this chapter are:

- (a) Ensure that future development respects and enhances the environmental character and amenity of the Hunters Hill Village.
- (b) Promote high standards of architecture, landscaping and urban design.
- (c) Improve commercial and retail functions of the Hunters Hill Village while recognising that its role is secondary to the Gladesville Village Centre.
- (d) Encourage additional residential development as a component of mixed developments within the *commercial core precinct* of this *Village*.
- (e) Ensure that environmental heritage is conserved.
- (f) Protect the amenity of residential neighbourhoods which surround the *Hunters Hill Village*.

4.5.3 DESIRED CHARACTER

Development proposals should be consistent or compatible with detailed controls for desired character which apply to the following areas within the *Hunters Hill Village* (in addition to satisfying the desired character controls in *Chapter 2.2 Character*):

- (a) The Village contains two precincts, and includes a *heritage conservation area* together with several listed heritage items:
 - (i) The *village core precinct*: properties zoned B4 under the *Hunters Hill LEP 2012* which are located along northern and southern sides of Gladesville Road between Joubert Street and Ryde Road, as well as properties along the southern side of Ryde Road which are located to the east of Figtree Park.
 - (ii) The *civic precinct*: numbers 40A to 46 Gladesville Road which include a group of community buildings and cottages.
 - (iii) The *heritage conservation area* and *heritage items* are identified by the *Hunters Hill LEP 2012*.
- (b) The following character controls apply to the *village core precinct*:
 - (i) Emphasise this precinct as the primary focus of the *Hunters Hill Village*.
 - (ii) Encourage a mix of residential accommodation above commercial and retail uses at street level.
 - (iii) Respect heritage values and positive architectural characteristics of the Village.
 - (iv) Respect the scale and form of existing buildings.
 - (v) Protect the amenity of adjoining residential neighbourhoods.
 - (vi) Improve winter-time solar access to ground floor areas while ensuring summer-time shade.
 - (vii) Ensure high levels of street-amenity by encouraging active uses at street level, and by improvements to the public domain.
 - (viii) Provide additional landscaping along streets.
 - (ix) Promote shared use of Howard Place by vehicles and pedestrians.
- (c) The following character controls apply to the *civic precinct*:
 - (i) Maintain an appropriate mix of community and recreational facilities together with supporting services.
 - (ii) Provide opportunities for public car parking that would service the Village.
 - (iii) Maintain character and heritage values of the Village.
 - (iv) Provide satisfactory landscaping and pedestrian links to Figtree Park.
- (d) In relation to *heritage items* and the *heritage conservation area*: character objectives are achieved by satisfying provisions of the *Hunters Hill LEP 2012*.

4.5.4 HEIGHTS

Objectives

Objectives in relation to height are:

- (a) Maintain heritage values and positive architectural characteristics of this Village.
- (b) Respect the scale and form of existing buildings.
- (c) Protect the amenity and attractiveness of adjoining residential areas.

Controls

Development standards in the *Hunters Hill LEP 2012* are relevant to this section:

- (a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following controls which complement LEP objectives for the maximum height of buildings:

- (a) Street frontages of any building should not exceed a height of three storeys which should be measured in relation to *ground level (existing)* immediately below.
- (b) Facing the street frontage, basement parking should be fully recessed below the existing level of Gladesville Road.
- (c) Storeys should incorporate minimum floor-to-ceiling heights which vary according to the use which is proposed to be accommodated:
 - (i) For *residential accommodation*: generally a minimum of 2.7 metres, but a minimum 2.4 metres is acceptable for the top storey only.
 - (ii) For *business premises* or *commercial premises* at street level: a minimum of 3.6 metres.
 - (iii) For *business premises* or *commercial premises* in a second or third storey that is located above street level: a minimum of 2.7 metres.

Notes. *Storey* is defined by the *Hunters Hill LEP 2012*, and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *Hunters Hill LEP 2012*.

4.5.5 SETBACKS

Objectives

Objectives in relation to setbacks are:

- (a) Maintain heritage values and positive architectural characteristics of the Village.
- (b) Respect the scale and form of existing buildings.

- (c) Maintain the amenity and attractiveness of adjoining residential areas.
- (d) Improve winter-time solar access to ground floor areas, and ensure summer-time shade.
- (e) Accommodate outdoor dining and additional landscaping along streets.

Controls

1. Front boundary setbacks

Front boundary setbacks for new developments, including alterations and additions, should comply with Table 4.2.

Table 4.2: Front boundary setbacks in the Hunters Hill Village

<i>Situation or location</i>	<i>Level</i>	<i>Setback measured from the boundary</i>
<i>Village Core Precinct:</i> sites less than 900m ² along the southern side of Gladesville Road, <i>and</i> sites along the northern side of Gladesville Road	1 (Gladesville Road level)	zero
	2	zero
	3	3.5m
<i>Village Core Precinct:</i> sites more than 900m ² along the southern side of Gladesville Road	1 (Gladesville Road level)	3m
	2	3m
	3	6.5m
<i>Civic Precinct:</i> all sites	all levels	consistent with average setback along the street

Notes. In Table 4.2, the *level* in a building is measured relative to *ground level (existing)* along the site’s frontage to Gladesville Road.

Setback is defined by the *Hunters Hill LEP 2012* (see *building line* or *setback*), and includes all elements or components of a proposed building (whether located above or below ground).

2. Rear boundary setbacks

Rear boundary setbacks for new developments, including alterations and additions, should comply with Table 4.3.

Table 4.3: Rear boundary setbacks in the Hunters Hill Village

<i>Situation or location</i>	<i>Level</i>	<i>Setback measured from the boundary</i>
<i>Village Core Precinct:</i> sites with a rear boundary that faces a property which is zoned residential	Basement	6m (predominantly deep soil for trees and screening vegetation)
	1 (Gladesville Road level)	6m (predominantly deep soil for trees and screening vegetation)
	2	9m
	3	12m
<i>Village Core Precinct:</i> sites with a rear boundary facing Howard Place	Street level carparking with a ceiling that is not taller than 2.4m above Howard Place	zero
	1 (Gladesville Road level) <i>and</i> Street level parking with a ceiling that is taller than 2.4m above Howard Place	10m
	2	13m
	3	16m

Notes. In Table 4.3, the *level* in a building is measured relative to *ground level (existing)* along the site’s frontage to Gladesville Road.

Basement is defined by the *Hunters Hill LEP 2012*, and includes a level where the storey immediately above has a floor that is less than 1 metre above *ground level (existing)*.

3. Side boundary setbacks

Side boundary setbacks for new developments, including alterations and additions, should comply with the following controls:

- (a) For sites in the *village core precinct*: a zero setback generally is acceptable.
- (b) For sites that adjoin properties which are listed as a *heritage item* by the *Hunters Hill LEP 2012*: a minimum of 2 metres, or according to merit assessment of a *heritage management document* which may be required by the *Hunters Hill LEP 2012*.
- (c) For sites in the *civic precinct*: a minimum of 2 metres from eastern and western boundaries of this precinct, which predominantly should be deep soil for trees and screening vegetation.
- (d) For development proposals that include *shop top housing* or *residential flat buildings* next to land that is zoned or used for residential purposes:

- (i) Separation between windows and private open spaces of dwellings upon adjoining properties should be consistent with the *Residential Flat Design Code* under *State Environmental Planning Policy No 65*.

4.5.6 BUILT FORM & FACADES

Objectives

Objectives in relation to built form and the design of facades for developments in the *Hunters Hill Village* are:

- (a) Respect and enhance the environmental character and amenity of the Hunters Hill Village.
- (b) Promote high standards of architecture, landscaping and urban design.
- (c) Conserve environmental heritage.

Controls

Development proposals should comply with the following requirements:

- (a) Pattern and rhythm of the existing subdivision should be reflected by the width of development sites, or by the form of new buildings.
- (b) New buildings on corner sites should address both street frontages:
 - (i) Facing the intersection between Gladesville Road and Joubert Street.
 - (ii) Facing the intersection of Gladesville and Ryde Roads which is known as "Mapledoram's Corner".
- (c) Facing a residential property, building forms should incorporate pronounced steps with setbacks that increase progressively for each storey in order to minimise visual impacts.
- (d) Individual shopfronts should not be wider than 6 to 7 metres, or should be broken into modules that are not wider than 6 to 7 metres.
- (e) Design of shopfronts should reflect characteristics of traditional shopfronts which survive in buildings nearby, but may incorporate contemporary construction.
- (f) Continuous awnings should be provided above street footpaths, and should incorporate lighting.
- (g) Security shutters or grilles which are not see-through should not be installed on shopfronts.
- (h) Apartment entrance lobbies should be a prominent element of street frontages, and should be protected from weather as well as designed to promote safety and security.
- (i) Facing Howard Place, the visual impact of any storey which is used for parking should be minimised by use of semi-transparent materials for the street facade.

4.5.7 ACTIVE FRONTAGES

Objectives

Objectives in relation to active frontages are:

- (a) Promote uses and visible activity at ground floor level that would maximise pedestrian traffic along street frontages and across public open spaces.
- (b) By promoting visible activity at ground floor level, contribute to commercial performance and viability of this village.
- (c) Also by promoting visible activity, contribute to safety and security of the public domain.
- (d) By limiting ground floor residential in high activity locations, avoid privacy problems for dwellings that would be situated at street level and next to, or close to, a major road.
- (e) Promote site planning and design features which encourage high levels of pedestrian traffic along street frontages and across public open spaces.

Controls

Development proposals should comply with the following requirements and numeric controls:

- (a) Provide *active uses* at ground level in the following locations:
 - (i) Along both frontages to Gladesville Road.
 - (ii) Along visually prominent curved frontages that face Joubert Street and Gladesville Road.
 - (iii) At the corner of the property which is located between Gladesville and Ryde Roads.
 - (iv) Along frontages to Pitt Street which are located within 10 metres of the intersection with Gladesville Road.
 - (v) Facing any publicly accessible space that is located upon private or public lands.
- (b) *Active uses* which contribute to pedestrian activity are defined to include:
 - (i) *Business premises, commercial premises and office premises.*
 - (ii) *Restaurants or cafes, retail premises and shops.*
 - (iii) *Community facilities and places of public worship.*
 - (iv) *Entertainment facilities and function centres.*
 - (v) *Hotel or motel accommodation, and pubs.*
 - (vi) *Medical centres and public administration buildings.*

- (vii) Entrances and lobbies to *residential accommodation* or *serviced apartments*.
- (c) Floor space which accommodates an *active use* should have a depth of at least 10 metres (measured perpendicular to the street frontage).
- (d) Elements which detract from the desired level of activity for street frontages are acceptable only where no practical alternative location exists:
 - (i) Residential accommodation located at street level which would occupy more than 50% of that storey, or the majority of a site's street frontage.
 - (ii) Entrances to garages or loading areas.
 - (iii) Service cupboards and storage areas.
- (e) The following elements and details contribute to effectiveness of *active uses* along street frontages, and they should be provided wherever applicable:
 - (i) In relation to serviced apartments, hotels and motels: lobbies, shops and restaurants or cafes should be located at street level.
 - (ii) Awnings should be provided along street footpaths, and surrounding any public open space, in order to provide continuous weather protection for pedestrians (note that glazed awnings are not encouraged because typically they do not provide effective sun control, and because they require extensive maintenance to ensure an attractive streetscape).
 - (iii) Lighting along street footpaths and surrounding public open spaces (typically, but not always, fitted beneath an awning) should be provided in order to contribute to after-hours safety and security.
 - (iv) Sun control blinds or awnings (typically, but not always, fitted to an awning) should provide summer-time protection for pedestrians.
 - (v) Where security shutters are required: see-through grilles that permit views to and from interiors should be used (note that opaque roller-shutter doors are not desirable).

4.5.8 LANDSCAPING

Objectives

Objectives in relation to built form and the design of facades for developments in the *Hunters Hill Village* are:

- (a) Respect and enhance the environmental character and amenity of the *Hunters Hill Village*.
- (b) Promote high standards of architecture, landscaping and urban design.
- (c) Maintain the amenity and attractiveness of residential neighbourhoods that adjoin the *Village*.
- (d) Conserve environmental heritage.

- (e) Co-ordinate the civic design of public places within the village.

Controls

Development proposals should comply with the following controls:

- (a) Existing trees on development sites should be conserved unless an arborist's report confirms that removal is desirable.
- (b) Existing street trees should be retained, particularly in prominent locations such as *Mapledoram's Corner*.
- (c) New trees should be provided along the street, and also at the rear of each development site for shade and shelter.
- (d) Facing Howard Place, landscaping which incorporates vines or climbing plants should be used to minimise the visual impact of any storey which would be used for parking.
- (e) Street improvements (which include soft landscaping, paving and street furniture) should be consistent with any urban design policy that has been adopted by the Council.

PART FIVE GENERAL CONTROLS

5.1 PURPOSE OF THIS PART

Part Five of this Development Control Plan provides controls in relation to topics which may have a general relevance to all development applications in the Municipality of Hunters Hill.

Part Five comprises the following chapters:

1. *Chapter 5.2* *Access & Mobility* relates to provision of access for members of the public who may experience some form of disability.
2. *Chapter 5.3* *Car Parking & Vehicle Access* specifies requirements for car parking and vehicle access which apply to all types of development within the Hunters Hill Municipality.
3. *Chapter 5.4* *Sediment & Erosion Control* provides detailed development controls in relation to management of erosion and control of sediment during the construction of approved developments.
4. *Chapter 5.5* *Signage & Advertising Structures* presents detailed development controls and guidelines in relation to signage or advertising structures which are ancillary to a development that is permitted by the *Hunters Hill Local Environmental Plan 2012*.
5. *Chapter 5.6* *Stormwater Management* specifies development controls in relation to stormwater and associated environmental impacts upon local receiving waters which include the Lane Cove River, the Parramatta River and minor tributaries to those rivers.
6. *Chapter 5.7* *Waste Management* provides controls and guidelines for waste avoidance and resource recovery during the construction and occupancy of developments which have been approved under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

5.2 ACCESS & MOBILITY

5.2.1 INTRODUCTION

This chapter applies to all developments that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*, where public access would be likely or where people with a disability are likely to be accommodated or employed. Note that this chapter does not apply to dwelling houses.

This chapter applies to new and existing buildings, recreation facilities and parks, plazas and courtyards within developments.

This chapter aims to highlight requirements for provision of access to new developments by members of the public who may experience some form of disability. Those requirements are specified by the following Commonwealth statutes or reference documents:

- (a) The Commonwealth *Disability Discrimination Act* (DD Act), which is supported by the *Disability (Access to Premises – Buildings) Standards 2010* (including detailed standards in the *Access Code for Buildings*).
- (b) The *Building Code of Australia*, which is supported by numerous *Australian Standards*.

This chapter also specifies detailed requirements in relation to access and mobility which apply to certain types of development in the Hunters Hill Municipality.

5.2.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to access and mobility are:

- (a) Provide continuous accessible paths of travel throughout publicly accessible areas of every development from entrances to points of destination.
- (b) Enhance the safety of public areas for all users.
- (c) Ensure that residential developments accommodate all levels of mobility, including future needs of residents aging in-situ.
- (d) Increase awareness of access requirements.

5.2.3 ACCESS STANDARDS

All developments shall provide levels of access which are defined by the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010* and the *Building Code of Australia*:

- (a) Detailed requirements, including the need for continuous accessible paths of travel, are defined by the *Access Code for Buildings* which is appended to the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010*.
- (b) General requirements are summarised by Table 5.1 (which appears on the next page).

- (c) Although detailed requirements that are specified by *Disability (Access to Premises – Buildings) Standards 2010* and the *BCA* typically are assessed with Construction Certificate applications, development applications should incorporate dimensions, gradients and vertical circulation that are sufficient or suitable to accommodate the required access standards without requiring any amendment of a development consent.
- (d) Applications for the following types of development should include an access audit which has been prepared by a consultant accredited by the *Association of Consultants of Access Australia*:
- (i) *Residential flat buildings or shop top housing* that contain more than ten dwellings.
 - (ii) *Multi dwelling housing* that contains more than three dwellings.
 - (iii) *New commercial premises* (which include *business premises, office premises, and retail premises*).
 - (iv) *Alterations to commercial premises* which involve the addition of more than 200m² floor area.
 - (v) *Seniors housing*.

Table 5.1 Requirements for access to buildings in the Hunters Hill Municipality

Access Standards 2010 and BCA classifications	Applicable land uses per Hunters Hill LEP 2012	Required considerations
Class 1a		
<ul style="list-style-type: none"> • single dwelling house • row house • terrace house • town house • villa unit 	<ul style="list-style-type: none"> • attached dwelling • dwelling house • dual occupancy 	<p>DD Act and Access Standards:</p> <p>Not applicable</p> <p>Hunters Hill LGA:</p> <p>Accessible paths of travel per <i>Access Code for Buildings</i> are encouraged for all developments containing more than one dwelling</p>
Class 1b		
<ul style="list-style-type: none"> • bed and breakfast • boarding house, hostel or group house with total floor area less than 300m² where not more than 12 persons ordinarily would be resident 	<ul style="list-style-type: none"> • backpackers' accommodation • bed and breakfast accommodation • boarding house • group home • hostel • tourist and visitor accommodation 	<p>DD Act and Access Standards:</p> <p><i>Access Code for Buildings</i> applies to specified Class 1b developments:</p> <ul style="list-style-type: none"> • new developments of boarding houses, guest houses, hostels and the like with more than 1 bedroom that is used for rental accommodation • existing buildings with four or more bedrooms that are used for rental accommodation • four or more single dwellings on the same allotment which are used for short term holiday accommodation <p>Hunters Hill LGA:</p> <p>Accessible paths of travel per <i>Access Code for Buildings</i> are encouraged for all developments that comprise Class 1b buildings</p>

Access Standards 2010 and BCA classifications	Applicable land uses per Hunters Hill LEP 2012	Required considerations
<hr/>		
Class 2		
<ul style="list-style-type: none"> • A building containing two or more separate dwellings 	<ul style="list-style-type: none"> • multi dwelling housing • residential flat building • serviced apartment 	<p data-bbox="1021 297 1300 358">DD Act and Access Standards:</p> <p data-bbox="1021 398 1380 526"><i>Access Code for Buildings</i> applies to buildings that have short-term rental accommodation</p> <p data-bbox="1021 566 1276 600">Hunters Hill LGA:</p> <p data-bbox="1021 633 1412 801">Accessible paths of travel per <i>Access Code for Buildings</i> are encouraged for adaptable units (where required by this Plan)</p>
<hr/>		
Class 3		
<ul style="list-style-type: none"> • boarding houses, guest houses, hostels or lodging houses with total floor area greater than 300m² where more than 12 persons ordinarily would be resident • residential portions of hotels and motels • residential portions of schools • accommodation for aged, disabled or children • residential portions of health-care buildings which accommodate staff 	<ul style="list-style-type: none"> • backpackers' accommodation • boarding house • group home • hostel • hotel or motel accommodation • residential care facility • seniors housing • tourist and visitor accommodation 	<p data-bbox="1021 869 1300 929">DD Act and Access Standards:</p> <p data-bbox="1021 969 1380 1075"><i>Access Code for Buildings</i> applies to all Class 3 buildings</p> <p data-bbox="1021 1205 1276 1238">Hunters Hill LGA:</p> <p data-bbox="1021 1272 1380 1332">Compliance with <i>Access Code for Buildings</i></p>
<hr/>		
Class 4		
<ul style="list-style-type: none"> • sole dwelling in a mixed-use building that otherwise would be class 5, 6, 7, 8 or 9 	<ul style="list-style-type: none"> • shop top housing 	<p data-bbox="1021 1485 1300 1545">DD Act and Access Standards:</p> <p data-bbox="1021 1585 1220 1619">Not applicable</p> <p data-bbox="1021 1653 1276 1686">Hunters Hill LGA:</p> <p data-bbox="1021 1720 1348 1753">No further requirements</p>
<hr/>		
Class 5		
<ul style="list-style-type: none"> • office buildings used for professional or commercial purposes 	<ul style="list-style-type: none"> • business premises • office premises 	<p data-bbox="1021 1821 1300 1881">DD Act and Access Standards:</p> <p data-bbox="1021 1921 1380 2022"><i>Access Code for Buildings</i> applies to all Class 5 buildings</p>

Access Standards 2010 and BCA classifications	Applicable land uses per Hunters Hill LEP 2012	Required considerations
<p>Hunters Hill LGA:</p> <p>Compliance with <i>Access Code for Buildings</i></p>		
Class 6		
<ul style="list-style-type: none"> • shops used for sale of goods or supply of services to the public • cafés and restaurants • portions of hotels or motels that are used for dining, bars or kiosks • sales or show rooms • service stations 	<ul style="list-style-type: none"> • food and drink premises • hardware and building supplies • kiosk • neighbourhood shop • plant nursery • pub • restaurant or café • retail premises • service station • shop • take away food and drink premises • veterinary hospital 	<p>DD Act and Access Standards:</p> <p><i>Access Code for Buildings</i> applies to all Class 6 buildings</p> <p>Hunters Hill LGA:</p> <p>Compliance with <i>Access Code for Buildings</i></p>
Class 7		
<ul style="list-style-type: none"> • car parks • storage or display of goods for sale by wholesale 	<ul style="list-style-type: none"> • car park • wholesale supplies 	<p>DD Act and Access Standards:</p> <p><i>Access Code for Buildings</i> applies to all Class 7 buildings</p> <p>Hunters Hill LGA:</p> <p>Compliance with <i>Access Code for Buildings</i></p>
Class 8		
<ul style="list-style-type: none"> • laboratories • buildings where goods are produced, assembled, altered, repaired, packed, finished or cleaned prior to sale 	<ul style="list-style-type: none"> • boat building and repair facility • industrial activity • light industry 	<p>DD Act and Access Standards:</p> <p><i>Access Code for Buildings</i> applies to all Class 8 buildings</p> <p>Hunters Hill LGA:</p> <p>Compliance with <i>Access Code for Buildings</i></p>

Access Standards 2010 and BCA classifications	Applicable land uses per Hunters Hill LEP 2012	Required considerations
<p>Class 9</p> <ul style="list-style-type: none"> • buildings of a public nature • health-care buildings • assembly buildings • pathology laboratories in health-care buildings • workshops or laboratories in a school • aged care buildings 	<ul style="list-style-type: none"> • amusement centre • charter and tourism boating facility • child care centre • community facility • educational establishment • entertainment facility • environment facility • function centre • health consulting rooms • health services facility • hospital • information and education facility • marina • market • passenger transport facility • place of public worship • public administration building • recreation area • recreation facility • registered club • respite day care centre • school • seniors housing • water recreation structure • wharf or boating facilities 	<p>DD Act and Access Standards:</p> <p><i>Access Code for Buildings</i> applies to all Class 9 buildings</p> <p>Hunters Hill LGA:</p> <p>Compliance with <i>Access Code for Buildings</i></p>
<p>Class 10</p> <ul style="list-style-type: none"> • non-habitable outbuildings or structures • private garages or carports • sheds • swimming pools 	<ul style="list-style-type: none"> • swimming pool 	<p>DD Act and Access Standards:</p> <p><i>Access Code for Buildings</i> applies to all Class 10 buildings except those:</p> <ul style="list-style-type: none"> • in association with a Class 1a building • in association with a Class 4 part of a building <p>Hunters Hill LGA:</p> <p>Compliance with <i>Access Code for Buildings</i></p>

Notes. The Commonwealth *Disability (Access to Premises – Buildings) Standards 2010* and *BCA* refer to building classifications which are not identical to definitions which apply under NSW *Standard Instrument Local Environmental Plans*.

In order to clarify this situation, Table 5.1 matches *BCA* building classifications with the closest equivalent LEP definitions that apply to the Hunters Hill Municipality, and highlights relevant considerations which are specified by the *Access Code for Buildings*.

5.2.4 ADAPTABLE HOUSING

Residential developments should provide adaptable housing:

- (a) Adaptable housing is defined by *Australian Standard AS 4299*.
- (b) Adaptable housing in the Hunters Hill Municipality should comply with Class C requirements of *AS 4299*.
- (c) Although detailed requirements that are specified by *AS 4299* typically are assessed with Construction Certificate applications, development applications should incorporate dimensions that are sufficient or suitable to accommodate the required standards without requiring any amendment of a development consent.
- (d) For complex or large scale development applications, the Council will require an audit of proposed adaptable dwellings by a consultant who has been accredited by the *Association of Consultants of Access Australia*.

Notes. Adaptable housing typically incorporates dimensions for rooms, doorways and fixed furniture which allow access by people with a disability, or which may be modified simply to accommodate residents' future needs for accessibility.

Fixtures and fittings in adaptable housing either should be designed for residents with impaired mobility or strength, or should be capable of simple replacement.

5.3 CAR PARKING & VEHICLE ACCESS

5.3.1 INTRODUCTION

This chapter applies to all types of development that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

This chapter specifies requirements for car parking and vehicle access which apply to all types of development within the Hunters Hill Municipality.

In addition to the provisions of this chapter, dimensions and design of parking spaces must address requirements of *Chapter 5.2 Access & Mobility*.

Also, parking for all forms of *residential accommodation* must address site planning and design guidelines in *Parts Two and Three* of this Plan.

In addition, parking for all forms of *commercial premises, shop top housing and childcare centres* also must address site planning and design guidelines in *Parts Two and Four* of this Plan.

Notes. The dimensions and layouts of car parking areas and parking spaces in all development proposals must be consistent with the relevant *Australian Standard*.

Development proposals on sites that face major roads which carry an annual average daily traffic volume of 40,000 vehicles also must address requirements that are specified by *State Environmental Planning Policy (Infrastructure) 2007*.

5.3.2 OBJECTIVES OF THIS CHAPTER

Objectives for all developments are:

- (a) Provide sufficient off-street parking for employees, customers, residents and visitors.
- (b) Accommodate access and parking for vehicles and bicycles which is safe and convenient
- (c) Ensure that parking areas and driveways do not dominate built form or compromise streetscape character.
- (d) Integrate vehicle access and parking with the design of proposed buildings and landscaping.
- (e) Ensure safety of pedestrians in vehicle entry and exit areas.

5.3.3 CONTROLS

Development proposals should comply with the following requirements:

- (a) Off-street car parking should be provided according to Table 5.2.

Table 5.2: Required off-street car parking

<i>Use</i>	<i>Requirements</i>
<ul style="list-style-type: none"> • Bed and breakfast accommodation • Boarding houses • Group homes 	<ul style="list-style-type: none"> • 1 space per six bedrooms • 1 space for caretaker/manager
<ul style="list-style-type: none"> • Commercial premises <i>includes: business premises, office premises, retail premises</i> 	<ul style="list-style-type: none"> • 1 space per 30m² of nett floor area
<ul style="list-style-type: none"> • Child care centres 	<ul style="list-style-type: none"> • 1 space for every 2 employees • 1 space for every 8 children
<ul style="list-style-type: none"> • Dual occupancy • Dwelling houses (new) 	<ul style="list-style-type: none"> • 1 space for gross floor area less than 125m² • 2 spaces for gross floor area above 125m²
<ul style="list-style-type: none"> • Dwelling houses (alterations or additions) • Home occupations 	<ul style="list-style-type: none"> • nil
<ul style="list-style-type: none"> • Home businesses 	<ul style="list-style-type: none"> • 1 space per 50m² gross floor area
<ul style="list-style-type: none"> • Multi dwelling housing • Residential flat buildings • Shop top housing 	<ul style="list-style-type: none"> • 1 space per studio dwelling, or per dwelling with one bedroom • 1.2 spaces per dwelling with two bedrooms • 1.6 spaces per dwelling with three or more bedrooms • 1 visitor space per 4 dwellings
<ul style="list-style-type: none"> • Secondary dwellings 	<ul style="list-style-type: none"> • 1 space • nil for developments permitted by <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
<ul style="list-style-type: none"> • Major developments and land uses that are not specified by this table 	<ul style="list-style-type: none"> • per <i>Guide to Traffic Generating Development</i> (NSW Department of Roads and Maritime Services)

Note. The number of bedrooms in any proposed dwelling, and required parking, should be calculated to include all rooms which are capable of use as a bedroom or simple conversion to create a bedroom. Examples of such rooms may include studies, media rooms, or family rooms which might be proposed in addition to a dwelling’s primary living room.

- (b) Driveways and parking areas should conform with the following design requirements:
- (i) In general, their location and design should blend with character of the surrounding locality (defined by the relevant desired character controls in *Chapter 2.2 Character*).
 - (ii) Dimensions and design should not visually dominate any façade which would be visible from a road.
 - (iii) Paved outdoor areas for vehicle access and parking should be minimised.
 - (iv) In village centres, vehicle access should be from rear lanes or side streets wherever possible in order to minimise conflict with pedestrian traffic along the main street frontage.
 - (v) Garages and carports for residential developments generally should be located behind the street boundary setback (or front building line).
- (c) Driveways and parking areas should conform with the following requirements:
- (i) Dimensions and gradients of driveways, access ramps, aisles and parking areas shall conform with *Australian Standard AS 2890.1 Design of Off-street Parking*.
 - (ii) In general, only one vehicle driveway should be provided for each development site.
 - (iii) For developments within any residential zone, driveways that would be located near a side boundary should have a width of not less than 3 metres, and driveways generally should be setback at least 1 metre from the side boundary in order to provide a planting strip.
 - (iv) Adequate turning areas that enable vehicles to enter and exit from a site in a forward direction should be provided for all developments that comprise three or more dwellings, that require access from Victoria Road or Pittwater Road, or that include commercial premises.
- (d) Parking spaces should conform with the following requirements:
- (i) Dimensions and gradients of parking spaces shall conform with *AS 2890.1*.
 - (ii) In general, each space should be separately accessible, and stacked or tandem parking spaces will be accepted only where they relate to the same dwelling or to an individual tenancy within commercial premises.
 - (iii) Visitor parking spaces should be conveniently accessible and clearly identified.
 - (iv) Parking spaces for vehicles and bicycles should be undercover.
- (e) Child care centres should satisfy the following special requirements:
- (i) Development applications should be supported by a traffic study.

- (ii) Car parking areas should be safe and appropriate to meet the special needs of children, people with disabilities, and staff.
 - (iii) The Council will consider reduction of numeric parking requirements specified by Table 5.2 if safe on-street parking is available, and also if the use of such parking would not adversely affect amenity of the surrounding area or traffic safety.
 - (iv) A maximum of two parking spaces in a stacked or tandem configuration may be provided but only for use by employees.
 - (v) At least one parking space should have a minimum width of 3.8 metres to accommodate people with disabilities or children in prams.
 - (vi) Car parking may be provided in basements if safe access by pedestrians and vehicles can be achieved.
 - (vii) Drop-off and pick-up points for children should be designed to protect children's safety, should be clearly identified, and either provided within the site or adjacent to the site if a suitable location is available.
 - (viii) Pedestrian access should include clearly defined paths with a minimum width of 1.8 metres that are separated from vehicles, for example by bollards with a minimum height of 1.2 metres.
 - (ix) Sight lines from access driveways to the street must not be obstructed by fences, buildings or vegetation.
- (f) For every development, Council may require street works that may include construction of a full width kerb and gutter, a concrete footpath, and associated street drainage works.
- (g) For sites that are located in a village or a village centre, provide access for pedestrians and cyclists to public transport and/or community facilities.

5.4 SEDIMENT & EROSION CONTROL

5.4.1 INTRODUCTION

This chapter applies to all developments that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

This chapter provides detailed development controls in relation to management of erosion and control of sediment during the construction of approved developments. The controls in this chapter complement provisions of the *Hunters Hill LEP 2012* which relate to earthworks and stormwater.

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. For developments which require consent under the *Hunters Hill LEP 2012*, potential impacts of erosion and sediment must be considered in relation to riparian lands and waterways, areas of bushland, and properties which are adjacent to development sites or nearby.

5.4.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to management of sediment and control of erosion are:

- (a) Minimise land degradation and water pollution which might arise during the construction of approved developments.
- (b) Avoid sediment pollution of downstream lands and receiving waters which include the Lane Cove River, the Parramatta River, and minor tributaries to those rivers.
- (c) Avoid the degradation of bushland by sediment which might be discharged from development sites.
- (d) Reduce nuisance to adjoining and downstream properties due to sediment or dust which might be mobilised during construction works.

Detailed objectives in relation to management of sediment and control of erosion are:

- (a) Achieve effective control for sediment pollution from development sites in order to minimise watercourse turbidity during specified storm events.
- (b) Avoid environmental degradation which may be associated with urban development by effective planning prior to the commencement of earthworks in order to minimise erosion and limit the movement of sediment or dust from the development site.
- (c) Identify best management practices (BMPs) for control of erosion and the management of sediment according to the circumstances of each development site, and employing best available technology appropriate to the scale of development that is proposed.
- (d) Ensure effective operation of approved soil and water management structures during design storm events.

Notes. Sediment which is generated during construction works also includes airborne dust.

Although effective management of erosion and control of sediment occurs during the construction phase, appropriate planning requires that best management practices are identified by development applications and confirmed by development consents.

In order to specify BMPs for the effective management of erosion and control of sediment, development applications must include an *Erosion and Sediment Control Plan* or a *Soil and Water Management Plan*.

Details of the approved *Sediment Control Plan* or *Soil and Water Management Plan* will need to be implemented continuously throughout the construction phase. Construction will be monitored by Hunter's Hill Council, and unsatisfactory control of erosion or management of sediment may result in proceedings under the *Protection of the Environment Operations Act*.

5.4.3 APPROACH FOR THIS CHAPTER

This chapter provides a combination of principles, performance standards and guidelines:

- (a) The *Sediment Control Plan* or *Soil and Water Management Plan* may select solutions for erosion control and management of sediment that are most appropriate for each site, and which satisfy desired outcomes in the most cost effective manner.
- (b) In order to satisfy provisions of the *Hunters Hill LEP 2012*, all development applications must address four topics:
 - (i) Erosion control.
 - (ii) Building operations.
 - (iii) Drainage control.
 - (iv) Sediment control.
- (c) Technical reports prepared by consultants may be necessary to demonstrate that development proposals will satisfy the desired outcomes which are specified by this chapter.

5.4.4 EROSION CONTROL

Minimise Disturbance

Development proposals, together with the *Sediment Control Plan* or the *Soil and Water Management Plan* and management during construction, should conform with the following principles:

- (a) The volume of earthworks should be minimised.
- (b) Earthworks should be commenced immediately prior to building.
- (c) Topsoil removed during excavation should be stockpiled on-site for reuse.

- (d) Maximise the area of existing vegetation which is retained without disturbance during construction, particularly down-slope from work sites and along street verges.
- (e) Maximise the surface area of soil which is retained without disturbance during construction works.
- (f) Where vegetation must be removed, protect areas of exposed soil by appropriate temporary measures such as erosion control matting, gravel or leaf mulching.

Stockpiles

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Stockpiles and storage for building materials may not be located upon public footpaths or within road reserves without prior approval by Hunter's Hill Council.
- (b) Stockpiles and storage for building materials should be located within the development site, and confined to a 'sediment control zone' which is contained by a sediment fence or an appropriate sediment barrier.
- (c) Stockpiles should not be located within an overland flow path for stormwater in order to minimise erosion of sand or soil.
- (d) Where stockpiles must be located within an overland flow path for stormwater, a perimeter bank should be constructed up-slope of the stockpile to direct run-off around the stockpile.
- (e) Erosion from stockpiles (including airborne dust) should be minimised by covers.

Erosion Control Mats

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Erosion control mats should be used to minimise soil erosion on sites with soils that present a high erosion risk, upon steep slopes, or where a delay in building works or site rehabilitation are likely.
- (b) Erosion control mats should be used for revegetation of slopes steeper than 4:1 (H:V) unless well anchored turf is proposed.
- (c) Preferred erosion control mats include biodegradable materials where landscape works are proposed, and tile mats within steep overland flow paths.

Service Trenches

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Service trenches should be backfilled with compacted material, and capped with topsoil to a level at least 75mm to 100 mm above the adjoining ground level in order to minimise erosion.

Note. This practice allows for subsidence of fill material, but ensures that fill is sufficiently compacted to minimise future erosion.

Site Rehabilitation

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) All ground which has been disturbed by building activities should be stabilised promptly and progressively in order to minimise potential for erosion.
- (b) Effective stabilisation is achieved by turfing and revegetation.

Garden Beds

Proposed landscaping, together with the *Sediment Control Plan* or the *Soil and Water Management Plan* and management during construction, should conform with the following principles:

- (a) Mulch should be applied to all garden beds in order to minimise potential for erosion
- (b) Effective mulching requires a depth of 75mm to 100 mm.

Note. Effective mulching also assists establishment of new landscaping by minimising water loss and controlling weed growth.

5.4.5 BUILDING OPERATIONS

Generally

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Building operations such as washing of tools and painting equipment, and cutting of bricks, tiles or masonry, should not occur outside of the development site.
- (b) Such activities should be undertaken on a permeable surface such as grassed areas, or above an infiltration trench or loosened soil, so that pollutants may be contained on-site.
- (c) Particular care should be taken in relation to operation of water cooled cutting equipment that typically generates significant quantities of polluted wastewater.

Building Waste & Litter

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) All solid wastes should be stored securely within the development site to prevent dispersal by wind or water.
- (b) Litter and smaller waste products should be stored in covered bins or beneath litter traps that are protected on three sides and above by geotextile screens.

Site Clean-up

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Accidental spills of soil or other materials onto public roads (including spills into gutters or drains) shall be removed prior to storms, and at the very least, at the end of each working day.
- (b) Materials to be removed from roads and drains shall be swept or shovelled, and should not be hosed away.
- (c) Following any storm event, the road reserve and all sediment barriers shall be inspected and excessive build-up of sediment should be swept or shovelled for removal.

Concrete Mixer Clean-Up

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Concrete waste washed from trucks and mixer units shall be securely contained within the development site, and shall not be exposed to potential stormwater flows or rainfall that might allow waste to wash from the site.

Concrete Surfaces

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Concrete should be installed and cured in a way that prevents cement wash-off to flow into stormwater drains or waterways.
- (b) Ideally, cement residue from concrete surfaces should be washed onto previously poured surfaces, or should be contained within a temporary trench or bunded area:
 - (i) The bunded area may be constructed from sand or gravel filled bags stacked tightly to form a gutter, or as a temporary concrete bund 200mm to 250 mm high which is poured onto plastic sheeting.
 - (ii) Collected wash-off water may be pumped onto a pervious surface such as a grassed area, and after drying, cement residue should be shovelled into a waste bin.

5.4.6 DRAINAGE CONTROL

Diversion Of Stormwater

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) If stormwater run-off from a catchment that is larger than 0.5 hectares would feed into a work site, up-slope water should be diverted around the work area.
- (b) Stormwater may be diverted by small catch drains or perimeter banks.

- (c) On steep sites, earth drains should be lined with turf or geotextile fabric.
- (d) Diverted stormwater should be discharged onto stable areas, and should not flow onto a neighbouring property unless written permission of the neighbouring landowner has been obtained.
- (e) Diverted stormwater should not be directed towards a vehicle entrance or exit onto the development site.

Check Dams

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) 'Check dams' constructed from sand or gravel filled bags should be used to contain erosion in unlined diversion drains.
- (b) Check dams should occur at regular intervals so that base of the up-slope dam is level with crest of the down-slope dam.

Level Spreaders

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Where stormwater must be diverted around a work site, discharge should be via sheet flow through an undisturbed grass area.
- (b) If discharge into an undisturbed grassed area is not practical, stormwater should be discharged via a level spreader that is located at the end of the catch drain or perimeter bank in order to convert a concentrated flow to a less erosive sheet flow.

Roof Water Collection

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Roof water from completed structures should be connected to stormwater drains as soon as practicable within the construction program.
- (b) Temporary or permanent downpipes should be installed immediately after roofing materials have been installed.

5.4.7 SEDIMENT CONTROL

Stabilised Vehicle Entrances & Exits

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Vehicle entrances and exits to the development site should be confined to a single location (which may be temporary).
- (b) Vehicle entrances and exits should be stabilised to prevent sediment being tracked from the site: for example, by a pad of 40mm crushed rock or recycled concrete which is at least 150mm to 200mm deep (generally, geotextile filter fabric is not required beneath pads).

- (c) Stabilised vehicle entrances or exits should be at least 2 metres wide and 5 metres long, and on smaller sites should extend from the street kerb to the main works area.
- (d) If vehicle entrances or exits would slope towards the public road, the aggregate pad should incorporate a raised bund or hump to deflect stormwater run-off to one side where it may be filtered by a sediment fence.

Sediment Fences

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Development sites should incorporate a sediment barrier or fence along the lower sides of areas that would be disturbed, and should be aligned to prevent channelling of stormwater flows.
- (b) Sediment fences should comprise geotextile fabric tied to steel posts or stapled to hardwood stakes that are approximately 40mm square, with lower edges of fabric screens buried by at least 100mm.
- (c) In situations where burying lower edges of the sediment fence are undesirable or impractical, at least 200mm of the fabric screen should extend up-slope across the ground surface and should be secured by 100mm of aggregate.

Notes. The most efficient sediment barrier or fences incorporate geotextile fabric, rather than filter cloth or shade cloth which are not recommended.

Tied sediment fences offer the advantage of being readily unhooked from support posts during working hours to allow unloading or access, which may be particularly useful for narrow fronted building sites.

Perimeter Banks

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Aggregate perimeter banks may be used as an alternative to sediment fences level flat sandy sites where the run-off catchment comprises only the development site.
- (b) Aggregate perimeter bank should be 300mm high and 1000mm wide at their base, and should be formed with clean aggregate of 40mm to 75mm.

Note. Compared to sediment fences, perimeter banks offer advantages which include relatively unrestricted access and durability. However, removal and recycling of aggregate from banks may be more complicated.

Straw Bales

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Straw bales are not recommended in lieu of sediment fences or perimeter banks, other than for short term or small scale situations.

- (b) Use of straw bales should be confined to locations down-slope of small stockpiles provided that they are appropriately secured by two stakes per bale and that water is prevented from flowing under or around the bales.
- (c) Straw bales should not be used on properties that accommodate bushland, or that are located next to bushland, which might be affected by seeds from pasture grasses that are carried within the bales.

Filter Strips

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) Sediment fences or perimeter banks may not be required on development sites that retain significant areas of undisturbed grass down-slope from proposed works areas.
- (b) In order to be effective, undisturbed grass should have be a minimum width that is five times the percentage slope of the grassed area (measured across counters and in the direction of stormwater flow), and stormwater run-off from disturbed areas should be discharged evenly across the grass (discharges should not be concentrated).

Note. For example, the minimum width would be 5 metres for a 1% slope and 50 metres for a slope of 10%. Land with a 1% slope falls 0.1 metre (or 100mm) over a distance of 10 metres.

- (c) Undisturbed grassed areas that are proposed for filtration and infiltration should be fenced during construction works to prevent damage from vehicles or storage of materials.

Barriers for On-Site Stormwater Inlets

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) During construction, stormwater inlets that are located upon a development site should be protected by layers of geotextile fabric placed directly over a grated inlet or by fabric fixed securely to timber or metal posts around the inlet.
- (b) During storm events, ponding should be permitted around the stormwater inlet so that sediment may settle, and post-and-fabric screens should be structurally capable of withstanding the weight of ponded waters.

Barriers for Road-Side Gullies

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) In general, sediment barriers should not be located outside the development site where they might obstruct roads or footpaths, or where they might be damaged by vehicles.
- (b) Protection of kerbside gullies typically is not reliable because sediment laden waters are usually diverted to the next unprotected gully downslope.

- (c) Sediment barriers around kerbside gullies should be limited to 'sag points" in the road's vertical alignment, should not fully-block the inlet structure, and should consist of temporary dams constructed from sand or gravel filled bags that are located at least 4 metres up-slope from the gully inlet.
- (d) Barriers around kerbside gullies may not be installed without prior approval from Hunter's Hill Council.

Maintenance of Control Measures

The *Sediment Control Plan* or the *Soil and Water Management Plan*, together with management during construction, should conform with the following principles:

- (a) All approved sediment control measures must be regularly checked and maintained in good working order.
- (b) Best practice management requires that potential risks are anticipated, and that preparation for abnormal storms or emergencies includes on-site stockpiling of extra materials for sediment fences or barriers to enable emergency repairs.
- (c) Stabilised pads at vehicle entry or exit points will require additional crushed rock if an excessive build-up of sediment occurs.
- (d) Maintenance for sediment fences includes the replacement of damaged fabric, removal of sediment that has been deposited up-slope, and re-burial of bottom edges to fabric screens.

5.4.8 CONTROL & MANAGEMENT PLANS

The *Sediment Control Plan* or the *Soil and Water Management Plan* should provide the following details:

- (a) Site details:
 - (i) Property boundaries.
 - (ii) General soil description.
 - (iii) Existing contours, highlighting the head and foot of embankments.
 - (iv) Existing overland drainage flow paths.
 - (v) Existing vegetation.
 - (vi) Existing buildings and/or paved areas.
- (b) Details of the proposed development:
 - (i) Proposed finished contours, including the head and foot of proposed embankments or retaining walls.
 - (ii) Location of existing vegetation that would be retained together with extent of proposed landscaped areas.

- (iii) Location of proposed buildings and/or paved areas.
- (c) Proposed erosion control measures:
 - (i) Location of proposed temporary drainage control measures.
 - (ii) Location of proposed erosion and sediment control measures.
 - (iii) Location of proposed stockpiles for soil and sand, and material storage.
 - (iv) Location of stabilised pads for vehicle entrances and/or exits.
- (d) Proposed works sequence and responsibilities:
 - (i) Timing of works and installation of control measures.
 - (ii) Maintenance requirements for control measures.
 - (iii) Schedule of contractors who would be responsible for installation and maintenance of control measures.

Note. *Managing Urban Stormwater– Soils and Construction* (also known as “The Blue Book”) which is published by Landcom NSW provides useful technical references regarding designs and details that should be included with any *Sediment Control Plan* or *Soil and Water Management Plan*.

5.5 SIGNAGE & ADVERTISING STRUCTURES

5.5.1 INTRODUCTION

This chapter provides detailed development controls and guidelines in relation to signage and advertising structures which are ancillary to a development that is permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

The detailed development controls provided by this chapter complement provisions of the *Hunters Hill LEP 2012* together with provisions of any applicable State Environmental Planning Policies (SEPPs) which may include:

- (a) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

5.5.2 OBJECTIVES OF THIS CHAPTER

General objectives for development of signage or advertising structures are:

- (a) Ensure that advertising structures and signage do not detract from existing scenic qualities, or heritage significance, or neighbourhood character, or residential amenity which are characteristics of the Hunters Hill Municipality.
- (b) Encourage advertising structures and signage that harmonise with the form and design of buildings to which they are attached.
- (c) Prevent excessive signage which contributes to visual clutter.

5.5.3 SCOPE OF THIS CHAPTER

This chapter provides detailed controls and guidelines for the following types of signage and advertising structures:

advertising panel	A structure which is not illuminated, such as a hoarding or bulletin board.
awning sign	Attached below an awning (but not including a sign which is attached to an awning fascia or return end).
fascia sign	Attached to the fascia or return end of an awning.
fin sign	Erected upon or above the canopy of a building, such as a service station canopy.
flashing sign	Illuminated signs (any part of the advertising area), whether constantly or at frequent intervals, by an internal source of artificial light and including all types of advertising structure.
floodlit sign	Illuminated signs (any part of the advertising area) by an external source of artificial light and including all types of advertising structure.

flush wall sign	Attached to the wall of a building, including painted wall signs, (other than above the transom to a doorway or display window) and painted wall signs which do not project horizontally more than 0.3 metres from a wall.
moving sign	Attached to a building and capable (any part of the advertisement or advertising structure) of movement by any source of power, and including all types of advertising structure.
painted wall sign	Advertisement painted directly onto the facade of a building.
pole or pylon sign	Erected on a pole or pylon independent of any building or other structure.
projecting wall sign	Attached to the wall of a building sign (other than above the transom of a doorway or display window) and projecting horizontally more than 0.3 metres from the wall.
real estate sign	Advertisement of a place or premises where the sign is located, and containing only a notice of sale or letting for that place or premises together with details of the sale or letting: (a) Advertisements for letting or sale of residential premises do not: (i) exceed an area of 2.5m ² . (ii) have a return dimension more than 180mm. (b) Advertisements for commercial premises that do not exceed an area of 4.5m ² . (c) Advertisements are not displayed for more than fourteen days after letting or completion of the sale of the premises or place.
roof sign	Erected on or above the roof or parapet of a building.
top hamper sign	Attached above the transom of a doorway or display window.
window sign	Any advertisement that is located or displayed on, or in, the window of a building.

5.5.4 GENERAL CONTROLS FOR BUSINESS ZONES

Objectives

Objectives in relation to signage and advertising structures in business zones are:

- (a) Communicate the facilities, amenities, goods and services which exist within a Business Zone.

- (b) Permit adequate identification of premises by signage which is designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings.
- (c) Enhance the distinctive urban character and amenity of this Municipality.
- (d) Prevent unnecessary or excessive advertising and associated visual clutter or confusion which might result.
- (e) Encourage fewer, better designed and more effective signs.

Controls

Development proposals in business zones should comply with the following controls:

- (a) Applications for advertising structures or signage will be considered on merit according to the following matters:
 - (i) Land use zoning and permissibility of the development to which signage is proposed to be attached.
 - (ii) The number of existing signs upon the building and adjacent buildings.
 - (iii) Visibility.
 - (iv) Advertising content.
 - (v) Size.
 - (vi) Scale in proportion to building and other urban elements.
 - (vii) Design and compatibility with buildings and streetscape.
 - (viii) Environmental character and impact on streetscape.
 - (ix) Colours.
 - (x) Whether the sign is above awning height.
 - (xi) Illumination and its affects on residents, traffic etc.
 - (xii) Durability and maintenance.
 - (xiii) Safety, in terms of traffic distraction and structural integrity.
 - (xiv) Relationship to heritage items.
 - (xv) Design criteria in this chapter.
- (b) Signage should clearly communicate the product or service which is offered.
- (c) Signage should not contribute to a 'domino effect' with competition from neighbouring premises to gain the advantage in commercial exposure.

- (d) Preferred locations for typical shop-front signs are:
 - (i) Illuminated 'under awning' signs.
 - (ii) Attached or applied to the awning fascia.
 - (iii) Located above the transom over a door or shop-front ('top hamper signs').
- (e) 'Under awning' signs should be limited to one per shop-front:
 - (i) Signs should provide a minimum 3 metre spacing from the nearest existing under awning sign to allow reasonable and effective exposure.
 - (ii) For premises with a wide frontage, more than one under awning sign may be permitted but the proposed signs should not be closer than 4 metres from each other.
- (f) Signs constructed above awning height (typically 3 metres above the footpath) and projecting wall signs will not be approved.
- (g) Advertising structures or signage which are flush to the exterior wall of a building may be approved provided that they would be in keeping with the architectural design and finish of the building, and would be in proportion to the scale, size and height of that building and its neighbours.
- (h) Design of new buildings or alterations and refurbishment of existing buildings should allow for future advertising structures or signage:
 - (i) Future signs should appear as integral elements of the building and should avoid a 'tack-on' appearance.
 - (ii) If development applications for building works do not provide a co-ordinated concept plan for advertising structures and signage, subsequent applications for advertising structures or signage might not be approved.
- (i) Roof signs which break the roofline of a building will not be approved unless the proposed advertising gives the impression of being an integral element of the building design:
 - (i) Identification signs should be limited to one per elevation, and wording should relate to use of the building.
 - (ii) Design, colour, height and scale of signs must be compatible with the architectural style and finish of the building to which they would be attached.
- (j) Flush wall signs:
 - (i) Should not be attached or applied to end walls of a building that adjoin residential premises or that face a common boundary with other premises where maintenance access cannot be guaranteed.

- (ii) Subject to Council's approval, might be permitted on the end wall of a building which adjoins a public place provided that such signs are not larger than 5m², do not visually dominate the facade to which they would be attached, and would be visually harmonious with the streetscape.
 - (iii) Repainting of a facade may be necessary to ensure that a proposed flush wall signs would appear as an integral element of that façade.
 - (iv) Poster type signs, including regularly changing advertisements or alcohol and cigarette advertising material, will not be permitted as flush wall signs or advertising panels that are attached to a wall.
- (k) A-frame and temporary footpath signs are not permitted in public places, and will only be allowed in arcades where they would not obstruct pedestrians or vehicles.
- (l) 'Third party' advertising generally will not be permitted:
- (i) Unless advertising content relates to the underlying building or premises, or to goods which are sold on those premises.
 - (ii) Note that cigarette or alcohol advertising which might be allowed by Federal or State legislation will not be permitted, except in situations where it would relate to goods sold on the premises, and provided that such advertising would occupy a minor proportion of the proposed sign.

5.5.5 GENERAL CONTROLS FOR RESIDENTIAL ZONES

Objectives

Objectives in relation to signage and advertising structures in residential zones are:

- (a) Permit adequate identification of small shops, and other permissible or non-conforming uses without compromising amenity of the surrounding area or the amenity of residential properties nearby.
- (b) Prevent degradation of existing and likely quality of the surrounding residential environment.
- (c) Minimise visual impacts of signs.

Controls

Development proposals in residential zones should comply with the following requirements:

- (a) Illuminated signs should avoid nuisance to nearby residents or local traffic:
 - (i) Depending upon the location and relationship to nearby residential premises, control of illumination by automatic time clocks may be required in order to extinguish signs between 10pm and 6am, or as appropriate to circumstances of the proposed location.
- (b) A maximum of two signs will be permitted per frontage, and in the following locations which are preferred:
 - (i) Under awning.

- (ii) Awning fascia.
 - (iii) Transom signs above a door or shop-front ('top hamper').
 - (iv) Inside the display window.
 - (v) Below the window sill.
 - (vi) Flush wall signs.
- (c) Advertising which is proposed for an end wall should not visually dominate the facade to which it would be attached, or compromise streetscape quality:
- (i) Primary consideration will be given to design and aesthetics.
 - (ii) End wall signs should be visually harmonious with streetscape.
 - (iii) Poster signs which include regularly changing advertisements, cigarette or alcohol advertising material, whether flush wall signs or advertising panels, generally will not be approved.
 - (iv) Advertising signs or structures will not be permitted on end walls that adjoin a residential property.
 - (v) Advertising signs will not be permitted on end walls which are located hard against a common boundary because maintenance access cannot be guaranteed.

5.5.6 CONTROLS FOR HERITAGE ITEMS & HERITAGE CONSERVATION AREAS

Objectives

Objectives in relation to signage and advertising structures in relation to *heritage items* and *heritage conservation areas* are:

- (a) Design and locate signage in a manner which preserves and enhances the values and qualities of *heritage items* and *heritage conservation areas*.

Controls

Development proposals should comply with the following requirements:

- (a) Heritage provisions in clause 5.10 of the *Hunters Hill LEP 2012* must be satisfied.
- (b) Proposed signage should be visually discreet and should complement architectural character of the building to which they would be attached as well as the character of surrounding buildings.
- (c) Proposed signage should be placed in locations which are traditionally used for signage or advertising.
- (d) Heritage considerations may limit opportunities for advertising structures or signage.
- (e) Suitable locations for new signage include:

- (i) Solid parapets above a cornice
 - (ii) The horizontal panel below a cornice
 - (iii) Verandah or awning fascias
 - (iv) Ground floor windows
 - (v) Notice boards or plaques on ground floor piers
 - (vi) Small signs on individual architectural elements such as rendered blocks
 - (vii) Under awning signs
 - (viii) Small free standing pole signs which are not illuminated
 - (ix) Side walls (subject to detailed considerations that are specified by this Chapter).
- (f) Detailed criteria include:
- (i) Signs on shop windows should not exceed 25% of the window area.
 - (ii) Colours for signs should be consistent or compatible with traditional exterior colours.

Notes. External colours applied during different historical periods varied, and were more muted in range than today.

Appropriate colour ranges for buildings in heritage areas should be researched.

Generally, dark or muted colours are suggested: maroon, dark green, terra-cotta, brown, charcoal with highlights by creams, ochres, pinks and earth tones.
 - (iii) Heritage lettering styles may involve shaded letters, the mixing of sizes and styles of letters, and ornamental scrolls relevant to the period of the building.
 - (iv) Signs are preferably illuminated by floodlighting, with the source of the illumination being suitably concealed.
 - (v) Modern standardised 'trademark' advertising usually is not compatible with heritage values, but may be acceptable if surrounded by a perimeter margin, or if printed in sympathetic heritage colours.

5.5.7 SIZES & DESIGN CRITERIA FOR SIGNAGE & ADVERTISING STRUCTURES

Development proposals should comply with dimensions and design criteria which are specified below.

Note: Applications must address all relevant sections in this chapter.

Compliance with dimensions and design criteria alone is not a sufficient reason for development consent to be granted.

Advertising panels

- (a) Where erected or attached to the wall of a building:
 - (i) Shall not extend laterally beyond the wall
 - (ii) Shall not project above the top of the wall
 - (iii) Shall not project more than 200mm from the wall
- (b) If erected or attached less than 2.6 metres above ground level:
 - (i) Shall not project more than 500mm over a public place
 - (ii) Shall not cover any window or architectural projection
 - (iii) Shall not contain non-durable advertising material such as poster paper.

Fascia signs

- (a) Shall not project above or below the fascia or return end of the awning to which it is attached
- (b) Shall not extend more than 300mm from the fascia end of the awning, and
- (c) Unless the council otherwise approves, shall not extend or project beyond a point 600mm within the vertical projection of the kerb line.

Fin signs: not permitted**Floodlit signs**

- (a) A floodlit sign which projects over a public road:
 - (i) Shall not be illuminated by a lighting medium which is less than 2.6 metres above the ground.
 - (ii) Lighting shall not cause distraction or nuisance to neighbouring properties or traffic.

Flush wall signs

- (a) Flush wall signs generally:
 - (i) Shall not extend laterally beyond the wall of the building to which it is attached
 - (ii) Shall not project above the top of the wall to which it is attached
- (b) Illuminated flush wall signs shall not be less than 2.6 metres above the ground

Pole or pylon signs

- (a) Shall not project more than 1.2 metres over any road alignment
- (b) Where a sign would project over any road alignment, it shall be not less than 2.6 metres above ground level below

Projecting wall signs (horizontal)

- (a) Height should be less than width of the proposed sign
- (b) Signs should be attached at right-angles to a building wall
- (c) Signs should be at least 2.6 metres above ground level
- (d) Signs should not project more than 600mm beyond the vertical projection of a street kerb below.

Projecting wall signs (vertical)

- (a) Height should be more than width of the proposed sign
- (b) Signs should not project above the top of the building wall to which they would be attached
- (c) Signs should be at least 2.6 metres above ground level
- (d) Unless the Council approves otherwise, signs should not project more than point 600mm beyond the vertical projection of a street kerb below

Roof signs: not permitted

Signs above awning height: not permitted

Top hamper signs

- (a) Shall not extend more than 200mm beyond any building alignment
- (b) Shall not extend below the level of the head of the doorway or window above which it is attached

Under awning signs

- (a) Where an advertisement is displayed under an awning, the awning sign to which the advertisement is attached:
 - (a) Shall be erected approximately horizontal to the ground level and at no point less than 2.6 metres from ground level
 - (b) Unless the Council approves otherwise, shall be erected at right-angles to the building to which the awning is attached
 - (c) Shall be securely fixed to the awning by means of suitable metal supports not exceeding 50mm in width or diameter

- (d) Shall not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building
- (e) Unless the council approves otherwise, shall have its centre at least 3 metres from the centre of any other awning sign to which this item applies.

5.5.8 SAFETY & MAINTENANCE

Development proposals should comply with criteria which are specified below.

- (a) Signs should be located at a height which avoids impact from footpath maintenance vehicles and discourages vandalism.
- (b) Council will give due attention to all applications with respect to possible distraction of motorists due to illumination, position, colours, design and proximity to traffic lights.
- (c) Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to other relevant authorities such as NSW Roads and Maritime Services for comment.
- (d) Signs must be kept in good and substantial repair, and in a clean and tidy condition at all times.
- (e) Council will not favour signs which are prone to deterioration in appearance and condition, and may order removal of objectionable or unsightly advertisements.

5.6 STORMWATER MANAGEMENT

5.6.1 INTRODUCTION

This chapter applies to all developments that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

This chapter provides detailed development controls in relation to stormwater and associated environmental impacts upon local receiving waters which include the Lane Cove River, the Parramatta River and minor tributaries to those rivers. Provisions of this chapter complement provisions of the *Hunters Hill LEP 2012* in relation to stormwater, riparian lands and waterways.

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. For developments which require consent under the *Hunters Hill LEP 2012*, environmental impacts must be considered in relation to riparian lands and waterways, and stormwater management.

5.6.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to management of stormwater are:

- (a) Promote water sensitive urban development which provides better integrated solutions for management of the urban water cycle.
- (b) Reduce adverse impacts upon water quality within the Hunters Hill Municipality which result from urbanisation, and protect water quality in the receiving waters that surround this Municipality.

Detailed objectives in relation to management of stormwaters are:

- (a) Reduce the amount of wastewater discharged from each development site into the Lane Cove and Parramatta Rivers, or into bushland which adjoins those rivers or their tributaries.
- (b) Capture water-borne pollutants such as sediment, suspended solids and nutrients prior to discharge into the Lane Cove and Parramatta Rivers, or into bushland which adjoins those rivers or their tributaries.
- (c) Minimise erosion and sedimentation which affects rivers and their tributaries, including banks of rivers and tributaries and adjacent bushland.
- (d) Contain flood impacts of stormwater discharges in relation to local drainage systems and waterways

Notes. Although effective management of stormwater occurs primarily during occupancy of an approved development, appropriate planning requires that best management practices are identified by development applications and confirmed by development consents.

The desired reduction, minimisation or containment of stormwater impacts may be achieved in part by the collection and storage of stormwater for reuse on-site. However, in order to avoid potential inconsistency between this Plan and *State Environmental Planning Policy (BASIX) 2004*, this Plan does not specify measures regarding collection and on-site reuse of stormwater.

5.6.3 APPROACH FOR THIS CHAPTER

This chapter adopts a performance based approach:

- (a) A performance based approach emphasises desired outcomes rather than specifying prescriptive design solutions.
- (b) Under a performance based approach, land owners and building designers may select solutions for stormwater management that are most appropriate for each site, and which satisfy desired outcomes in the most cost effective manner.
- (c) In order to satisfy provisions of the *Hunters Hill LEP 2012*, all development applications must address three topics:
 - (i) Water balance.
 - (ii) Stormwater pollution.
 - (iii) Flood mitigation.
- (d) Technical reports prepared by consultants may be necessary to demonstrate that development proposals will satisfy the desired outcomes which are specified by this chapter.

5.6.4 WATER BALANCE

Objectives

Objectives for each development site in relation to maintaining the water balance are:

- (a) Reduce pre-development volumes of stormwater which are discharged from the site.
- (b) Prevent adverse impacts upon environments such as bushland, wetlands and estuaries which are sensitive to increased stormwater flows.

Controls

Development proposals should comply with the following performance standards:

- (a) The expected average annual post-development volume of stormwater discharged from the site must not exceed values that are specified by Table 5.3 (which appears on the next page).
- (b) Discharges specified by Table 5.3 refer to *baseline annual stormwater volume* which is the volume that would be discharged from the development site before the proposed development and without any management measures.

Table 5.3 Acceptable post-development stormwater volume

<i>Development type</i>	<i>Standard to be achieved</i>
<ul style="list-style-type: none"> • Dwelling houses • Secondary dwellings 	<i>Baseline annual stormwater volume reduced by 10%</i>
<ul style="list-style-type: none"> • Residential accommodation (excluding dwelling houses and secondary dwellings) 	<i>Baseline annual stormwater volume reduced by 15%</i>
<ul style="list-style-type: none"> • Commercial premises (including business, office and retail premises) • Community facilities • Public and government buildings • Recreation facilities • Other developments of a scale that is similar to the specified activities 	<i>Baseline annual stormwater volume reduced by 15%</i>
<ul style="list-style-type: none"> • Boat building and repair facilities • Charter and tourism boating facilities • Industrial activities • Light industry • Other developments of a scale that is similar to the specified activities 	<i>Baseline annual stormwater volume reduced by 15%</i>

- (c) Management measures which would be appropriate to achieve the performance standards include:
- (i) Rainwater tanks for on-site reuse.
 - (ii) Porous paving and water-permeable surfaces surrounding buildings.
 - (iii) Stormwater infiltration pits or systems.

5.6.5 STORMWATER POLLUTION

Objectives

Objectives for each development site in relation to minimising stormwater pollution are:

- (a) Satisfy discharge standards which are specified by the current catchment management plans.
- (b) Reduce pre-development discharges of water-borne pollutants which are discharged from the site.
- (c) Capture stormwater flows and remove pollutants during regular rainfall events.

Controls

Development proposals should comply with the following performance standards:

- (a) The expected average annual post-development pollutant loads in stormwater discharged from the site must not exceed values that are specified by Table 5.4.
- (b) Discharges specified by Table 5.4 refer to *baseline annual load* which is the post-development pollutant load that would be discharged from the development site over the course of an average year if no management measures are applied.

Table 5.4 Acceptable post-development stormwater pollutant loads

<i>Development type</i>	<i>Standard to be achieved</i>
<ul style="list-style-type: none"> • Dwelling houses • Secondary dwellings 	<ul style="list-style-type: none"> • Total Suspended Solids: 60% reduction of <i>baseline annual load</i> • Total Phosphorus & Total Nitrogen: 30% reduction of baseline annual load
<ul style="list-style-type: none"> • Residential accommodation (excluding dwelling houses and secondary dwellings) 	<ul style="list-style-type: none"> • Total Suspended Solids: 80% reduction of <i>baseline annual load</i> • Total Phosphorus & Total Nitrogen: 45% reduction of baseline annual load
<ul style="list-style-type: none"> • Commercial premises (including business, office and retail premises) • Community facilities • Public and government buildings • Recreation facilities • Other developments of a scale that is similar to the specified activities 	<ul style="list-style-type: none"> • Total Suspended Solids: 80% reduction of <i>baseline annual load</i> • Total Phosphorus & Total Nitrogen: 45% reduction of baseline annual load
<ul style="list-style-type: none"> • Boat building and repair facilities • Charter and tourism boating facilities • Industrial activities • Light industry • Other developments of a scale that is similar to the specified activities 	<ul style="list-style-type: none"> • Total Suspended Solids: 80% reduction of <i>baseline annual load</i> • Total Phosphorus & Total Nitrogen: 45% reduction of baseline annual load

- (c) Management measures which would be appropriate to achieve the performance standards include:
 - (i) Rainwater tanks for on-site reuse.
 - (ii) Porous paving and water-permeable surfaces surrounding buildings.
 - (iii) Stormwater infiltration pits or systems.

- (iv) Grassed swales.
- (v) Bio-retention systems that collect and filter surface flows.

5.6.6 FLOOD MITIGATION

Objectives

Objectives for each development site in relation to flood mitigation are:

- (a) Ensure that developments do not contribute to increased risk of flooding during moderate rainfall events with an average recurrence interval of up to 1.5 years.
- (b) Ensure that developments are compatible with the design and capacity of existing stormwater systems.
- (c) Avoid damage to stream banks, adjacent bushland and aquatic habitat due to stormwater that is discharged in a large volume or at a high velocity.

Controls

Development proposals should comply with the following performance standards:

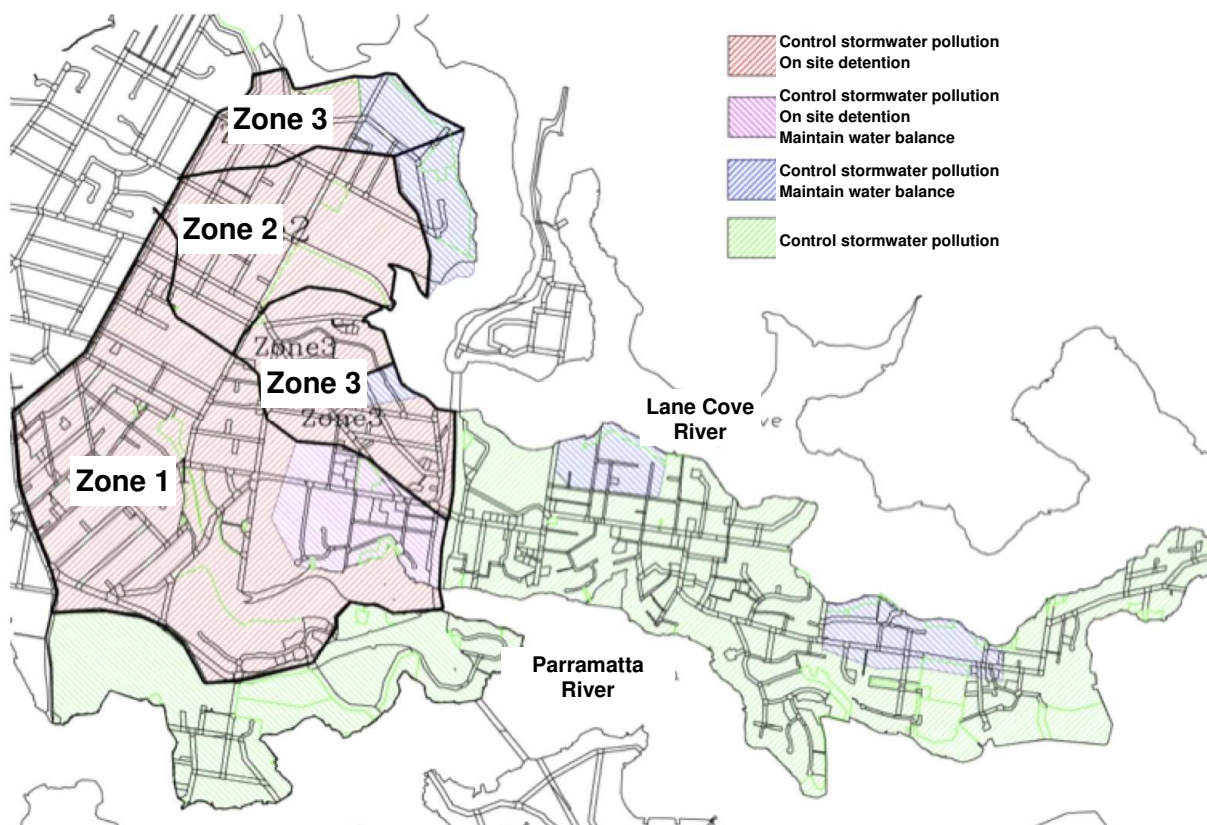
- (a) Provide on-site detention with a storage volume that is not less than the amounts that are specified by Table 5.5 in relation to the catchment management zones which are defined by Figure 5.1 (which appears on the next page).

Table 5.5 Minimum on-site detention storage volumes

Zone <i>Refer to Figure 5.1 overleaf</i>	Detention storage volume for flood mitigation: <i>m³ / 100m² impervious area</i>	Detention storage volume for erosion control: <i>m³ / 100m² impervious area</i>
1	3.04	1.2
2	2.63	1.1
3	2.47	1.0

Note. Storage volumes specified by Table 3.6 are measured as a proportion of the total impervious area of the site following the proposed development (including the areas of all proposed roofs and paved surfaces).

Figure 5.1 Catchment management zones for the Hunters Hill Municipality



- (b) Management measures which would achieve performance standards for on-site detention include:
 - (i) Rainwater tanks for on-site reuse.
 - (ii) Stormwater infiltration pits or systems.
 - (iii) Bio-retention systems that collect and filter surface flows.
- (c) Permissible site discharge (PSD) should not exceed velocities that are specified by Table 5.6 in relation to catchment management zones which are defined by Figure 5.1.

Table 5.6 Permissible site discharge velocities

<i>Zone refer to Figure 5.1</i>	<i>PSD for flood control litres per second/100m² impervious area</i>	<i>PSD for erosion control litres per second/ 100m² impervious area</i>
1	1.80	0.41
2	2.20	0.57
3	2.40	0.64

Note. PSD velocities specified by Table 5.6 are measured as a proportion of the total impervious area of the site following the proposed development which includes areas of all proposed roofs and paved surfaces.

5.6.7 Covenants & Certification

In order to satisfy performance standards, development proposals may need to provide the following measures prior to the release of any occupancy certificate:

- (a) A draft covenant prepared under Section 88B of the *Conveyancing Act*:
 - (i) Specifying the land owner's responsibility to construct and properly maintain all stormwater management systems that are elements of the proposed development (but if applicable, as modified by conditions of a development consent).
 - (ii) Confirming that terms of the covenant may not be varied without the prior agreement of Hunter's Hill Council.
- (b) Written confirmation by a qualified hydraulic engineer that all stormwater management systems have been constructed according to the development consent and approved construction certificate, and in conformity with all applicable national standards or codes.

5.7 WASTE MANAGEMENT

5.7.1 INTRODUCTION

This chapter applies to all development within the Municipality of Hunters Hill.

This chapter provides controls and guidelines for waste avoidance and resource recovery during the construction and occupancy of developments which have been approved under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

The controls in this chapter aim to implement NSW strategies in relation to waste management.

Notes. Current waste management strategies in NSW respond to the *Waste Avoidance and Resource Recovery Act*.

Local government can contribute to waste management strategies by the effective management of development which requires consideration of includes demolition and construction phases, followed by occupancy of the completed building works.

Ecological sustainability is a key objective for both the *Waste Avoidance and Resource Recovery Act* and the *Environmental Planning and Assessment Act*. Consequently, details of waste generation and resource recovery must be considered as part of every development application.

5.7.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to waste management are:

- (a) Contribute to Federal and State Government waste minimisation targets by compliance with regional waste plans.
- (b) Minimise impacts of waste and implement principles of *ecologically sustainable development (ESD)*.
- (c) Require source separation of waste.
- (d) Specify design standards for storage and sorting of waste which are consistent with waste collection services that are offered by Hunter's Hill Council or private contractors.
- (e) Encourage building design and construction techniques which minimise waste generation.
- (f) Promote minimisation and appropriate management of waste at source.

5.7.3 DEVELOPMENT APPLICATION REQUIREMENTS

A *Waste Management Plan (WMP)* must be submitted with all development applications that involve:

- (a) Demolition; and/or

- (b) Construction of buildings (including alterations and additions with a value greater than \$50,000).

Notes. Standard requirements for submission of a *WMP* may be varied according to discretion of Council's Manager Development & Regulatory Control.

A separate application under Section 68 of the *Local Government Act* must be made for all proposals that require temporary location of waste storage containers in a public place (e.g. a skip). Application requirements may be obtained from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill.

In general, a *WMP* should satisfy the following requirements:

- (a) Demonstrate how waste would be managed throughout the entire life cycle of the proposed development.
- (b) Provide the following information:
 - (i) Type and quantity of excess materials that would be generated during demolition, construction, and occupancy of the proposed development;
 - (ii) Location and means of storage and/or reuse for excess materials (reuse, recycling or disposal on-site and/or off-site) during demolition, construction and occupancy of the completed development;
 - (iii) Location and means of disposal for residual waste;
 - (iv) Management of waste that would be generated by occupancy of the completed development.
- (c) Development application documents should include all relevant details which are specified by Table 5.7 (which appears on the next page).

Table 5.7 WMP requirements for development applications

<i>Proposed land use per Hunters Hill LEP 2012</i>	<i>Waste management intent</i>	<i>Submission requirements</i>
<ul style="list-style-type: none"> • Alterations and additions with a value greater than \$50,000 • Cutting down or pruning of trees or vegetation • Demolition of a building or work • Excavation 	<ul style="list-style-type: none"> • Maximise reuse and recycling of materials 	<p>DA drawings indicate:</p> <ul style="list-style-type: none"> • on-site sorting and storage areas • access for collection vehicles • vegetation to be retained
<ul style="list-style-type: none"> • Backpackers accommodation <300m² • Bed and breakfast accommodation <300m² • Boarding houses <300m² • Dual occupancies • Dwelling houses • Multi dwelling housing (single storey) 	<ul style="list-style-type: none"> • Encourage waste minimisation by source separation, reuse and recycling • Ensure appropriate storage and collection of waste 	<p>DA drawings indicate:</p> <ul style="list-style-type: none"> • waste cupboards and storage areas • recycling and composting areas
<ul style="list-style-type: none"> • Attached dwellings • Backpackers accommodation >300m² • Bed and breakfast accommodation >300m² • Boarding houses >300m² • Commercial premises • Community facilities • Educational establishments • Function centres • Hotel or motel accommodation • Medical centres • Multi dwelling housing (two or more storeys) • Recreation facilities • Registered clubs • Residential flat buildings • Restaurants or cafes • Seniors housing • Shop top housing 	<ul style="list-style-type: none"> • Encourage waste minimisation by source separation, reuse and recycling • Ensure appropriate storage and collection of waste • Provide arrangements for waste management during occupancy 	<p>DA drawings indicate:</p> <ul style="list-style-type: none"> • waste cupboards and storage areas • recycling and composting areas • access for collection vehicles • communal storage areas (where applicable) • hazardous waste storage and management (where applicable)

Notes. Preparation of a *WMP* requires simple research in relation to the following matters:

- (i) Current policies of Hunter's Hill Council in relation to the number and/or volume of storage bins which currently are required for each category of land use or type of development. Current requirements may be obtained from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill.
- (ii) Waste generation rates for each category of land use or type of development. One recent reference is the *Better Practice Guide for Waste Management in Multi-unit Dwellings* which has been published by the NSW Department of Environment & Heritage.

5.7.4 RESIDENTIAL ACCOMMODATION

Objectives

Objectives for waste management in relation to residential accommodation are:

- (a) Ensure that waste management is compatible with available collection services.
- (b) Provide appropriately designed and suitably located storage areas for waste and recycling on-site.
- (c) Promote well designed facilities that complement streetscape without impacting the amenity of adjoining premises or dwellings.
- (d) Facilitate on-site source separation.

Controls

Controls for Residential Developments in General

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) A waste cupboard or other appropriate space should be provided within each dwelling for temporary storage of recyclables, garbage and compostable material.
- (b) For dwelling houses, provide an accessible waste storage area plus space for composting.
- (c) For multi-unit residential developments, provide accessible areas for waste storage and recycling within the private open space of each dwelling.
- (d) For developments with shared waste facilities, provide an area or a room sufficient to store Council's standard bins with easy access from the Council's usual collection point as well as from each dwelling or commercial unit.
- (e) Storage and collection facilities should be located and designed to complement streetscape, without impacting the amenity of adjoining premises or dwellings within the development by odour and noise during collection.

- (f) Provide adequate space for on-site composting.
- (g) Ensure that acceptable administrative arrangements have been made for ongoing waste management.

Controls for Residential Developments that provide Individual Storage

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) Each dwelling should be provided with an area sufficient to accommodate the current requirements of Hunter's Hill Council in relation to standard garbage and recycling containers, and composting.
- (b) Waste storage areas must have unobstructed access to Council's usual collection point, and preferably should be located within rear yards to avoid visual clutter that would compromise streetscape.
- (c) If rear yard storage is impractical and/or inaccessible from the usual collection point, waste containers may be stored next to the street frontage behind a suitably screened enclosure, or within a garage or carport. Composting facilities should be in a separate location that will not impact on adjoining premises.

Note. Current requirements for garbage and recycling containers, and composting may be obtained from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill.

Controls for Shared facilities in Multi-unit Developments

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) A shared on-site waste storage and recycling area, or a garbage and recycling room, must be provided in the following circumstances:
 - (i) Multi dwelling housing with two or more storeys, and residential flat buildings.
 - (ii) Multi dwelling housing with a single storey if the number of bins required would not fit comfortably along the street frontage of the usual collection point, or where individual storage would be likely to affect residential amenity.
 - (iii) Where status of the roadway and heavy traffic require on-site collection.
 - (iv) Where site characteristics such as steep slopes make access to the street difficult.
 - (v) Provided that shared facilities may be serviced by collection services.
- (b) General requirements for shared waste storage and recycling area include:

- (i) Dimensions which are adequate to accommodate current requirements of Hunter's Hill Council in relation to standard garbage and recycling containers.
 - (ii) Sufficient space to accommodate bulky waste such as clean-up materials awaiting removal or recycling.
 - (iii) On difficult or steep sites, or sites with particular natural features (such as watercourses), or sites with two street frontages, a number of waste storage and recycling areas may be appropriate to minimise distances, prevent site pollution and facilitate collection.
 - (iv) Large scale development proposals may provide a number of garbage and recycling rooms that are located adjacent to usual collection points.
 - (vi) The managing body must ensure on-street placement of bins for collection, or provide suitable design and legal access agreements where on-site collection is necessary.
 - (vii) The managing body must ensure that shared waste facilities are kept tidy, that bins are not filled beyond their capacity, and that recyclable materials may easily be placed into the correct storage bin.
- (c) Detailed requirements for shared waste storage and recycling area include:
- (i) Storage areas must be within 1.8 metres of the street alignment or must be located immediately next to a driveway.
 - (ii) Storage areas must be level, with no steps or obstructions between the street or driveway and doors of the storage area.
 - (iii) Storage areas should be enclosed by a masonry screen wall which has a height not more than 1.5 metres.
 - (iv) Within the storage area, there should be a minimum clearance of 300mm between bins, aisle widths should be not less than 1.7 metres, and doorways should be at least 1.7 metres wide.

Controls for Communal Composting Areas

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) An on-site area should be provided for communal composting.
- (b) Detailed requirements for composting areas include:
 - (i) Location should consider proximity to dwellings (including adjoining properties) in relation to potential odour and site drainage.
 - (ii) Facilities should be purpose built or proprietary designs. A variety of composting techniques are available, and advice regarding techniques or public health considerations can be obtained from the Development & Regulatory Control Unit at Hunter's Hill Council.

- (iii) The facility should be signposted, and maintained by the managing body (owners' corporation or managing agent).

Notes. Although operation of such facilities depends upon attitudes of occupants and the management body, there should be potential to establish a composting facility.

An area suitable for composting should be incorporated in site landscaping, and described by plans for the proposed development.

Controls in Relation to Special Waste

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) If special waste materials would be generated (such as medical wastes and household hazardous waste), arrangements for collection and disposal should be made in consultation with Council and the relevant NSW Government department.

5.7.5 COMMERCIAL PREMISES & NON-RESIDENTIAL DEVELOPMENTS

Note. Requirements in this section apply to a wide range of premises which are defined by the *Hunters Hill LEP 2012*. They include:

- Business, office and retail premises (which collectively are defined as commercial premises);
- Entertainment facilities, function centres, hotel or motel accommodation;
- Medical centres;
- Recreation facilities, registered clubs and restaurants or cafes.

Objectives

Objectives for waste management in relation to non-residential developments are:

- (a) Ensure that waste management is compatible with available collection services.
- (b) Provide appropriately designed and suitably located storage areas for waste and recycling on-site.
- (c) Promote well designed facilities that complement streetscape without impacting the amenity of adjoining premises or dwellings.
- (d) Facilitate on-site source separation.

Controls

Controls for Non-residential Developments in General

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) Every development should have a waste storage and recycling area that is designed and constructed according to standards for shared waste facilities that were specified by Section 3.5.4 of this chapter, but should incorporate flexibility to accommodate future changes of use.
- (b) Size of required storage areas should be calculated according to estimated waste generation rates and proposed bin sizes.
Note. Waste generation rates for various categories of land use or types of development are provided by the *Better Practice Guide for Waste Management in Multi-unit Dwellings* which has been published by the NSW Department of Environment & Heritage.
- (c) Space should be adequate to allow source separation of wastes.
- (d) Waste generation rates and area requirements should consider the operation of any staff kitchen facility that is proposed.
- (e) Ideally, access for collection should be via the rear of the site.
- (f) In all cases, access to normal collection points should not be impeded.
- (g) Large developments should provide an on-site collection area.

Controls for Shared or Communal Facilities

Communal or shared facilities may be appropriate for multiple occupancy developments such as shopping centres or office complexes:

- (a) If design makes it difficult for all units to have ready access to a collection point.
- (b) Where site characteristics restrict the entry of collection vehicles.

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) Areas for waste storage and recycling shall be designed to provide a designated space for each separately tenanted or separately occupied area within the building or complex.
- (b) Areas for storage and recycling should accommodate sufficient commercially sized containers to accommodate the quantity of waste and recyclable that would be generated.
- (c) Details of ongoing management for storage and recycling areas should be provided.

Controls in Relation to Paper & Cardboard

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) For offices and commercial premises, particular attention should be paid to paper and cardboard recycling with source separation at the waste storage and recycling area or garbage and recycling room.

- (b) Education of staff together with regular collection services also significant considerations which should be addressed by the WMP.

Controls for Food Shops, Restaurants or Cafes

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) Special attention is necessary if a proposed development or activity would generate food scraps.
- (b) Provide specialised containment and a frequent collection service to ensure that no adverse impacts result from the proposed development or activity.
- (c) Refrigerated garbage rooms should be provided if large volumes or perishables such as seafood would need to be accommodated, or if infrequent collections are proposed.

Grease Arrestors

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) For development proposals that would generate liquid wastes, early consultation with Sydney Water is necessary to identify trade waste requirements, including the need for on-site grease arrestors.

Controls for Special Waste

Development proposals and the *Waste Management Plan* should conform with the following controls:

- (a) If special waste materials would be generated (such as chemicals or products beyond the expiry date), arrangements for collection and disposal should be made in consultation with Council and the relevant NSW Government department.

5.7.6 DURING CONSTRUCTION

Objectives

The following detailed objectives apply to construction works:

- (a) Minimise generation of wastes that must be disposed via landfill.
- (b) Maximise reuse and recycling of materials.
- (c) Ensure that design and effective construction management minimise generation of wastes which must be disposed via landfill.

Controls

The *Waste Management Plan* together with management during construction should conform with the following controls:

- (a) Order the correct quantities of materials;

- (b) Prefabricate components;
- (c) Reuse formwork;
- (d) Employ modular construction and basic designs to minimise off-cuts;
- (e) Minimise site disturbance, including avoiding unnecessary excavation;
- (f) Separate off-cuts to facilitate reuse, resale or efficient recycling;
- (g) Evaluate opportunities to dismantle components for reuse or recycling;
- (h) Design landscaping to reduce green waste.
- (i) Coordinate and sequence trades during construction.

5.7.7 DEMOLITION WORKS

Objectives

The following detailed objectives apply to demolition works:

- (a) Minimise generation of wastes that must be disposed via landfill.
- (b) Maximise reuse and recycling of materials.
- (c) Ensure that design and effective construction management minimise generation of wastes which must be disposed via landfill.

Controls

Development proposals, together with the *Waste Management Plan* and management during construction, should conform with the following controls:

- (a) Avoid waste generation.
- (b) Maximise reuse and recycling of materials
- (c) Minimise waste disposal
- (d) Provide documented evidence that approved arrangements have been implemented.

5.7.8 ORDERS UNDER SECTION 121B

When determining whether to make an Order under Section 121B of the *Environmental Planning and Assessment Act* which might require cessation of demolition or building works, the Council will consider the following criteria:

- (a) Objectives of this chapter.
- (b) Content of any *Waste Management Plan* which has been approved for the subject premises.

- (c) Any special conditions of a development consent which relate to minimisation and appropriate management of waste.
- (d) Waste management intent and objectives that are specified for the applicable type of development or land use.

5.7.9 TEMPORARY WASTE STORAGE IN PUBLIC PLACES

Waste skips or bins may not be placed temporarily on public road reserves unless an application has been submitted to the Council together with the appropriate fee.

Notes. Application forms are available from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or may be downloaded from the Council website.

Council officers will inspect the site and will advise the applicant whether the proposal is acceptable. Please note that 24 hours advance notice is required to undertake inspection and provide advice before an approval may be granted.

PART SIX ASSESSMENT PROCEDURES

6.1 NOTIFICATION POLICY

6.1.1 INTRODUCTION

This chapter applies to the following applications in the Municipality of Hunters Hill:

1. Development applications for consent under the *Environmental Planning and Assessment Act*.
2. Amendments to development applications that are submitted before the original application has been determined.
3. Modification of a development consent according to section 96 of the *Environmental Planning and Assessment Act*.
4. Requests for the review of a determination according to section 82A of the *Environmental Planning and Assessment Act*.

6.1.2 OBJECTIVES OF THIS CHAPTER

The objectives of this chapter are to:

- (a) Provide for public involvement in the consideration of development applications, which might affect the enjoyment of properties or the public interest.
- (b) Allow reasonable time for submissions in relation to development applications which recognises the Council's obligations to determine applications within prescribed and reasonable periods.
- (c) Encourage public appreciation and understanding of the development application process.
- (d) In relation to development proposals, to provide for submissions by affected owners who might wish to express concerns to the Council, to Councillors and the Council's officers.
- (e) Identify the rights of adjoining, neighbouring and interested owners and residents in relation to making submissions regarding development applications which shall be considered by the Council when determining development applications.
- (f) Specify matters which the Council shall consider when deciding whether enjoyment of neighbouring land might be detrimentally affected by a proposed development or by the occupancy of a proposed building.
- (g) Define requirements for advertising and notifying persons of development applications.
- (h) To clarify the circumstances when notice regarding development applications is not required.

6.1.3 DEVELOPMENT PROPOSALS THAT DO NOT REQUIRE NOTIFICATION

Notification is not required for proposals that involve the following types of development in the Hunters Hill Municipality:

- (a) Proposed developments which are defined as *exempt development* or *complying development* according to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and/or the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.
- (b) Proposed works that the Council considers to be of a minor nature, or that are considered likely to have no detrimental effect upon *adjoining land* or *neighbouring land*.
- (c) Proposed changes of use that do not involve building works provided that the proposed use is permissible within the land use zone which applies to the development site.
- (d) Proposed strata subdivision of a commercial development or multi-unit residential development, whether existing, approved or constructed.
- (e) For development applications and applications under s82A or s96 of the *Environmental Planning and Assessment Act* where amended plans are submitted prior to granting of consent, and where the responsible officer considers that impacts of the original proposal would not be increased in relation to *adjoining land* or *neighbouring land*.

6.1.4 APPLICATIONS THAT REQUIRE NOTIFICATION

In relation to development applications that involve *state significant development*, *designated development* or *integrated development*, notification requirements are specified by the *Environmental Planning and Assessment Act*.

Note. The *Environmental Planning and Assessment Act* defines *State significant development*, *designated development* and *integrated development*.

For the following types of development within the Hunters Hill Municipality, a notification period of 30 days applies:

- (a) Demolition, relocation or alterations to:
 - (i) a *heritage item*; or
 - (ii) a building, work, relic or tree within a *heritage conservation area*.

unless partial demolition is proposed, and if the Council considers that the proposed partial demolition would not adversely affect heritage significance of the *heritage item* or the *heritage conservation area*.

- b) Development within a residential zone for any of the following purposes:
 - (i) *car park*;
 - (ii) *child care centre*;
 - (iii) *community facility*;

- (iv) *educational establishment;*
 - (v) *hospital;*
 - (vi) *place of public worship;*
 - (vii) *residential flat building.*
- (c) In relation to types of development which were listed under (a) and (b) above, an application under section 96 or section 82A of the *Environmental Planning and Assessment Act*.
- (d) A notification period of 14 days applies to all other types of development within the Hunters Hill Municipality, or in relation to such developments, to an application under section 96 or section 82A of the *Environmental Planning and Assessment Act*.

Note. The minimum notification periods may be extended at the discretion of Council's Manager Development & Regulatory Control in order to accommodate special circumstances of a particular site or development proposal.

6.1.5 NOTIFICATION REQUIREMENTS

For applications that require notification, the following shall be provided by the Council or the consent authority:

- (a) In relation to development proposals, written notice shall be provided to the following:
- (i) Owners or occupants of *adjoining land* which is located next to the site of the proposed development; and
 - (ii) Owners or occupants of *neighbouring land* where, in the opinion of the *responsible officer*, the existing use or current enjoyment is likely to be affected detrimentally if the proposed development were to be carried out; and
 - (iii) Any other persons that are required to be notified according to the *Environmental Planning and Assessment Regulations*.

Note. Generally, within 10 days after the receipt of a development application which is considered to be satisfactory, the *responsible officer* will form an opinion as to which persons (if any) should be notified.

- (b) When determining whether a development proposal is likely to have detrimental effects upon adjoining or neighbouring lands, the *responsible officer* will consider:
- (i) Views to and from neighbouring lands;
 - (ii) Overshadowing of neighbouring lands;
 - (iii) Privacy of neighbouring lands;

- (iv) Potential noise impacts upon neighbouring lands.
- (c) In relation to applications to modify a development consent, or for the review of a development consent:
- (i) Proposals to modify an approved development under section 96 of the *Environmental Planning and Assessment Act* which are considered significant by the *responsible officer* and/or the Council will be notified to all owners and occupants who were notified in relation to the original development application.
 - (ii) Requests for review of a development consent according to section 82A of the *Environmental Planning and Assessment Act* will be notified to owners or occupants who made submissions in relation to the original development application.
- (d) The following details apply in relation to the provision of written notice:
- (i) Where the adjoining or neighbouring lands are owned or occupied by more than one person, notification requirements will be satisfied by written notice to one owner or occupier.
 - (ii) Non-resident owners of adjoining or neighbouring lands will be notified of the proposed development via their postal address which is shown on the Council's records.
 - (iii) Where the adjoining or neighbouring lands are strata titled, notice of the proposed development will be sent to the Secretary of the Owner's Corporation.
 - (iv) Where the adjoining or neighbouring lands have a community title, or are a precinct or neighbourhood parcel within the meaning of the *Community Land Development Act*, notice of the proposed development will be sent to the Secretary of the association for that community, precinct or neighbourhood parcel.
- (e) The following persons will not be notified:
- (i) Owners or occupants of a property that, in the opinion of the *responsible officer*, is not likely to be substantially affected by the proposed development.
 - (ii) Owners or occupants of *adjoining or neighbouring lands* who have submitted a letter which confirms that they have no objection to the proposed development.
- (f) A notice of the application shall be exhibited on the land to which the development application relates, and that notice shall be in accordance with the *Environmental Planning and Assessment Regulations*:
- (i) The required notice shall be provided in the form of a sign which is placed on the site in a position immediately next to the street frontage.
 - (ii) Notification signs shall remain in place until the required notification period has expired.

- (g) A notice of the application shall be published in a newspaper which circulates within the locality of the proposed development, and that notice shall be in accordance with *Environmental Planning and Assessment Regulations*.

6.1.6 CONTENT OF ADVERTISEMENTS & WRITTEN NOTICES

Advertisements and notifications will contain information which is specified by the *Environmental Planning and Assessment Regulations*.

In addition, written notifications will include A4-sized notification plans that describe:

- (a) Configuration of the proposed building or works in relation to the development site.
- (b) Elevations which illustrate heights and the configuration of proposed facades in relation to existing ground levels.

6.1.7 SUBMISSIONS BY OWNERS, OCCUPANTS OR MEMBERS OF THE COMMUNITY

Submissions regarding development applications must be forwarded to the Council within the period that was specified by notification:

- (a) Submissions should be made in writing to the General Manager, Hunter's Hill Council.
- (b) Submissions preferably should be typed, or should at least be clearly handwritten.
- (c) Names and addresses of persons who make submissions, and a summary of each submission, will be included in the Council's business paper or report.

6.1.8 DETERMINATION OF APPLICATIONS & FURTHER NOTIFICATIONS

The following procedures apply to the determination of applications which were specified by Section 6.1.4 of this chapter:

- (a) The Council will not determine any application that has been notified before the specified notification period has elapsed (unless letters of non-objection have been received from all properties that were notified or that were to be notified by Council).
- (b) Notice of the Council's determination of an application will be forwarded to all persons who made a written submission regarding that application.
- (c) In relation to applications for complying development, the *principal certifying authority* will forward notices of the consent and any associated documents which might be specified by the *Environmental Planning and Assessment Regulations*.

APPENDICES

i **DICTIONARY**

This Plan adopts all words and expressions that are defined by the following statutes and planning instruments:

- (a) The *Environmental Planning and Assessment Act*.
- (b) Any *State Environmental Planning Policy* which is relevant to the proposed development.
- (c) The *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

This Plan also adopts the following definitions:

Adjoining land means land which abuts a development site, or land which is separated from a development site by a pathway, driveway or similar thoroughfare.

Affected persons means the owners of:

- (a) *adjoining land*; or
- (b) *neighbouring land*.

Bedroom means any room, which, in the opinion of the council, is designed, built or easily adaptable for use as a bedroom;

Building envelope means a diagram which defines the limits for the siting, setbacks and wall heights of any buildings.

Building footprint means the area on a development site which would be covered by buildings (whether existing or proposed) which includes basements, terraces or patios that are associated with those buildings but that extend beyond the enclosing walls.

Built upon area means the area of site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

Bushfire hazard area means land adjacent to bushland that could be exposed to a fire in vegetation. A bushfire hazard area is assessed assuming the worst case scenario that can eventuate over the life time of any proposed development which could be subject to that hazard.

Bushland means that part of the land (private or public) on which there is vegetation which is either a remainder of the natural vegetation of the land or if altered is still representative of the structure and floristics of the natural vegetation.

Bushland remnants means individual trees or plants on a site or property that are the remnants of bushland which has been altered to such an extent that natural structure or floristics are no longer evident.

Collection point means the usual (or agreed) point on the footpath, roadway or on-site where garbage and recyclables are loaded onto vehicles.

Collection area means the location where garbage or recyclable material is transferred from a building's storage containers to a collection vehicle for removal from the site.

Compostable material means vegetative material capable of being converted to humus by a biological decay process.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Contributory elements means features and qualities of a building which have a positive impact upon streetscape quality which, in relation to heritage items, include original elements such as the roof line, building form, roofing materials and exterior finishes, windows and doors, proportions and design features.

Contributory item means a building which has been identified as making a significant contribution to identity and character of the surrounding area, but which is not located within a *heritage conservation area* or identified as a *heritage item*.

Note. *Contributory items* are listed in Appendix ii of this Plan.

Environmental weeds are plant species that are considered pest species.

Garbage means refuse or waste material other than trade waste, effluent, compostable material, green waste or recyclable material.

Garbage and recycling room means a room where garbage and recycling receptacles are stored awaiting reuse or removal from the premises.

Garbage chute means a duct in which deposited material descends from one level to another within the building due to gravity.

Green waste means vegetative matter including trees, branches, shrubs, cuttings, lawn clippings and untreated timber and wood products.

Habitable room means a room that is designed, constructed or adapted for activities that are normally associated with dwellings and long-term occupancy:

- (a) Includes a bedroom, dining room, kitchen, living room, lounge room, music room, playroom, rumpus room, television room, sewing room, study, sunroom and the like.
- (b) Excludes a bathroom, corridor or hallway, food storage pantry, laundry or clothes drying room, lobby, toilet or water closet, walk-in wardrobe, and other specialised spaces which are occupied infrequently or for short periods.

Hazardous waste means any waste that because of its physically, biologically or chemically damaging properties is capable of causing a danger to the life or health of any living thing if it is released into the environment.

Local indigenous plants are native species which occur naturally within the Municipality of Hunters Hill.

Neighbouring land means any land, other than adjoining land, which might be detrimentally affected by the use of a development site or a proposed building after its erection (and which might include properties that are located in a neighbouring Local Government Area).

Rear boundary means the boundary furthest from and generally parallel to the street boundary.

Recyclable means capable of being reprocessed into usable material or reused.

Regeneration means the re-establishment of the local indigenous plant community on site by active management of naturally occurring species.

Responsible officer means the Council officer responsible for a development application in terms of processing, assessment and recommendation for determination.

Revegetation means the planting of seedlings of the local indigenous plant species. Wherever possible, revegetation techniques shall include seed collection and propagation of the original indigenous plants on the site.

Special waste means a waste that posed or is likely to pose an immediate or long term risk to human health or the environment. This includes hazardous waste, clinical waste and contaminated waste. Special arrangements need to be made for the management of these wastes.

Streetscape means the qualities of an area that are reflected in the building's form (height, setback, scale, orientation and mass), design and appearance, architectural integrity, landscaping and setting. Streetscape is also reflected in fences, street trees, street structures, road widths and alignments, footpaths and street materials e.g. sandstone kerbing.

Trade waste means refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, special waste, contaminated waste, green waste or recyclable waste.

Waste means:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- (b) any discarded, rejected, unwanted, surplus or abandoned substance, or
- (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or
- (d) any substance prescribed by the regulation to be waste for the purpose of the *Waste Minimisation and Management Act*.

Waste cupboard means a storage area within each dwelling (usually in the kitchen) of a size sufficient to enable source separation of a single day's waste into garbage, recyclables and compostable material.

Waste Management Plan means a checklist showing the volume and type of waste to be generated, stored and treated on site and how the residual is to be disposed of.

Waste storage and recycling area means a designated area, or a combination of designated areas, upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building occupants.

ii CONTRIBUTORY ITEMS

<i>Suburb</i>	<i>Street</i>	<i>House No.</i>	<i>River Front Area</i>
Gladesville	Cowell Street	11	No
		12	No
		18	No
		20	No
		22	No
		23	No
		24	No
		25	No
		26	No
		27	No
		28	No
		29	No
		30	No
		32	No
33	No		
Gladesville	Earnshaw Street	3	No
		5	No
		6	No
		7	No
		8	No
		9	No
		11	No
		13	No
Gladesville	Junction Street	2	No
		3	No
		4	No
		5	No
		7	No
		8	No
		10	No
		12	No
		14	No
		18	No
		20	No
		21	No
		23	No
28	No		
30	No		

Suburb	Street	House No.	River Front Area
Gladesville	Jupiter Street	2	No
		4	No
Gladesville	Makinson Street	28	No
		29	No
		30	No
		32	No
		34	No
		38	No
		47	No
Gladesville	Mars Street	1	No
		5	No
		6	No
		7	No
		8	No
		9	No
		10	No
		12	No
Gladesville	Massey Street	6	No
		8	No
		1	No
		12	No
		14	No
		16	No
		18	No
		19	No
		20	No
		21	No
		22	No
		23	No
		24	No
		25	No
		26	No
		27	No
		28	No
		30	No
		32	No
		33-35	No
34	No		
37	No		
39	No		
41	No		
43	No		

Suburb	Street	House No.	River Front Area
Gladesville	Massey Street	45	No
		49	No
		51	No
		53	No
		55	No
		57	No
		Gladesville	Prince Edward Street
11	No		
12	No		
14	No		
16	No		
17	No		
18	No		
19	No		
20	No		
21	No		
25	No		
26	No		
27	No		
29	No		
31	No		
32	No		
33	No		
36	No		
37	No		
38	No		
39	No		
40	No		
Gladesville	Prince Edward Street	41	No
		42	No
		44	No
		46	No
		48	No
		50	No
		52	No
		54	No
		56	No
		62	No
		64	No
		70	No
72	No		

Suburb	Street	House No.	River Front Area
Gladesville	Venus Street	13	No
		17	No
Henley	Crown Street	1A	Yes
		9	Yes
		12	Yes
		21	Yes
		23	Yes
Henley	Dick Street	4	Yes
		8	Yes
		16	Yes
		18	Yes
		27	Yes
		29	Yes
Henley	Gray Street	2	Yes
		4	Yes
		5	Yes
		6	Yes
		8	Yes
Henley	Kelly Street	2	Yes
Henley	Sherwin St	6	Yes
		7	Yes
		15	Yes
		17	Yes
Henley	Sherwin St	26	Yes
		32	Yes
Henley	William Street	2	Yes
		4	Yes
		8	Yes
Hunters Hill	Abbey Street	2	No
		4	No
		6	No
		14	No

Suburb	Street	House No.	River Front Area
Hunters Hill	Abbey Street	18	No
		20	No
Hunters Hill	Abigail Street	9	No
		24	No
		21	No
Hunters Hill	Auburn St	7	No
		9	No
		11	No
		20	No
		21	No
		23	No
		25	No
		27	No
		29	No
		31	No
		35	No
		39	No
		43	No
45	No		
47	No		
Hunters Hill	Blaxland St	1	No
		3	No
		5	No
		6	No
		12	No
		14	No
		16	No
		27	No
		28	No
		31	No
		37	No
		38	No
		39	No
		41	No
		52	No
		53	No
		55	No
62	No		
66	Yes		
68	Yes		
70	Yes		
Hunters Hill	Bonnefin Road		

Suburb	Street	House No.	River Front Area
		2	Yes
		3	Yes
		7	Yes
		14	Yes
Hunters Hill	Downing Place	61	No
		63	No
Hunters Hill	Earl Street	1	No
		2	No
		3	No
		4A	No
		5	No
		9	No
		17	No
		19	No
		21	No
		23	No
		24	No
		32	No
		43	No
Hunters Hill	Everard Street	5	No
		1	No
		17	No
		29	No
		31	No
		39	No
		41	No
		45	No
		47	No
Hunters Hill	Farnell Street	27	No
		29	No
		31	No
		34	No
		35	No
		36	No
		37	No
		38	No
		40	No
		44	No
		47	No
		49	No
		51	No
Hunters Hill	Farnell Street	55	No

Suburb	Street	House No.	River Front Area
Hunters Hill	High Street	58	Yes
		60	Yes
		66	Yes
		68	Yes
		70	Yes
Hunters Hill	Joubert Street	8	Yes
Hunters Hill	Manning Road	2	No
		4	No
Hunters Hill	Milling Street	1	No
		9	No
		13	No
		15	No
		17	No
		18	No
		19	No
		21	No
		22	No
		24	No
		25	No
		27	No
		29	No
		32	No
		33	No
		37	No
		38	No
42	No		
46	No		
51	No		
53	No		
55	No		
Hunters Hill	Park Road	8	No
		10	No
		14	No
		20	No
		22	No
		24	No
Hunters Hill	Park Road		

<i>Suburb</i>	<i>Street</i>	<i>House No.</i>	<i>River Front Area</i>
		40	No
		42	No
		44	No
		46	No
		48	No
		50	No
		58	No
		62	No
		64	No
		66	No
		68	No
		70	No
		76	No
Hunters Hill	Pittwater Road	11	No
		17	No
		21	No
		23	No
		25	No
		27	No
		29	No
		33	No
		37	No
		39	No
		49	No
		51	No
		57	No
		65	No
		67	No
		71	No
		73	No
		75	No
		77	No
		79	No
		81	No
		87	No
		95	No
		115	No
		117	No
		119	No
		121	No
		143	Yes
		153	Yes
		155	Yes
		157	Yes
		159	Yes

Suburb	Street	House No.	River Front Area
Hunters Hill	Princes Street	1	No
		3	No
		5	No
		7	No
		9	No
		11	No
		15	No
		19	No
		21	No
		24	No
		25	No
		27	No
		28	No
		29	No
		33	No
		37	No
39	No		
41	No		
Hunters Hill	Ryde Road	74	No
		78	No
		81	No
		83	No
		98	No
		109	No
		125	No
		133	No
		139	No
Hunters Hill	Tarban Street	4	No
Huntleys Point	Huntleys Point Road	21	Yes
		25	Yes
		40-42	Yes
		43	Yes
		44	Yes
		45	Yes
		46	Yes
		50	Yes
		53	Yes
		55	Yes
		69	Yes
71	Yes		