

Hornsby Development Control Plan 2013 Housekeeping Amendments for Finalisation			
Section	Title	Page	Details of Amendment
1A.5	Relationship to other plans and policies	1-4	<ul style="list-style-type: none"> Amend paragraph (a) to update reference to Section 3.43 of EPAA. Amend paragraph (d) to remove reference to Clause 5.9 of the HLEP and replace with 'preservation'. (Clause 5.9 no longer applicable due to amendment to Standard Instrument LEP).
1A.6	Development Contributions and Planning Agreements	1-4	<ul style="list-style-type: none"> Amend paragraph (a) to reference Council's current Section 7.11 and Section 7.12 Development Contributions Plans.
1B.1	How to use this DCP	1-5	<ul style="list-style-type: none"> Amend Table 1B.1(a) to remove reference to Clause 5.9 of the HLEP.
1B.2	Desired Outcome, Prescriptive Measures, Figures and Notes	1-7	<ul style="list-style-type: none"> Amend paragraph (e) to update reference to Section 4.15 of the EPAA.
1B.5.2	Notification of Applications	1-8	<ul style="list-style-type: none"> Amend paragraph (b) to update references to Section 4.55(1) and Section 4.55(1A) of EPAA. Amend Table 1B.5(a) to update references to Section 8.2 Applications, Section 4.55(2) and Section 4.56 of EPAA.
1B.5.3	Submissions	1-10	<ul style="list-style-type: none"> Amend paragraph (c) to update reference to Section 10.4 of EPAA.
1B.6	Tree and Vegetation Preservation	1-11	<ul style="list-style-type: none"> Amend reference of <i>Vegetation SEPP</i> to <i>Biodiversity and Conservation SEPP</i>.
1B.6.1	Tree Preservation	1-11	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Biodiversity and Conservation SEPP</i>.
		1-12	<ul style="list-style-type: none"> Amend paragraph (e) to reference Section 2.10(3) of the <i>Biodiversity and Conservation SEPP</i>.
		1-13	<ul style="list-style-type: none"> Amend Table 1B.6(b) to reference Section 2.10(3) of the <i>Biodiversity and Conservation SEPP</i>. Amend Table 1B.6(b) to reference Section 4.55.
		1-14	<ul style="list-style-type: none"> Amend paragraph (i) to reference <i>Biodiversity and Conservation SEPP</i>. Amend Note to reference Section 2.12 of the <i>Biodiversity and Conservation SEPP</i>.
1B.6.2	Vegetation Preservation	1-15	<ul style="list-style-type: none"> Amend paragraph (a) for reference of <i>Vegetation SEPP</i> to <i>Biodiversity and Conservation SEPP</i> and use abbreviated title. Amend paragraph (f) to reference Section 2.10(3) of the <i>Biodiversity and Conservation SEPP</i>.
		1-16	<ul style="list-style-type: none"> Amend Table 1B.6.2(b) to reference Section 2.10(3) of the <i>Biodiversity and Conservation SEPP</i>. Amend Table 1B.6.2(b) to reference Section 4.55.

		1-17	<ul style="list-style-type: none"> Amend paragraph (j) to reference <i>Biodiversity and Conservation SEPP</i>. Amend Note to reference Section 2.12 of the <i>Biodiversity and Conservation SEPP</i>.
1B.7	Tree and Vegetation Preservation within the City of Parramatta (land formerly part of Hornsby LGA)	1-18	<ul style="list-style-type: none"> Amend reference of <i>Vegetation SEPP</i> to <i>Biodiversity and Conservation SEPP</i> and use abbreviated title.
		1-19	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Biodiversity and Conservation SEPP</i>. Amend Note to reference <i>Biodiversity and Conservation SEPP</i>.
1B.7.1	Tree Preservation – land within the City of Parramatta LGA	1-19	<ul style="list-style-type: none"> Amend references of <i>Vegetation SEPP</i> to <i>Biodiversity and Conservation SEPP</i>.
		1-20	<ul style="list-style-type: none"> Amend paragraph (k) to reference <i>Biodiversity and Conservation SEPP</i>.
		1-21	<ul style="list-style-type: none"> Amend reference of Section 5AA of <i>EPAA</i> to Section 1.7.
		1-22	<ul style="list-style-type: none"> Amend paragraph (v) to reference <i>Biodiversity and Conservation SEPP</i>.
1B.7.2	Vegetation Preservation – land in the City of Parramatta LGA	1-24	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Biodiversity and Conservation SEPP</i>. Amend paragraph (f) to reference <i>Biodiversity and Conservation SEPP</i>.
		1-25	<ul style="list-style-type: none"> Amend Note to reference <i>Biodiversity and Conservation SEPP</i>. Amend paragraph (m) to reference <i>Biodiversity and Conservation SEPP</i>.
		1-27	<ul style="list-style-type: none"> Amend definition of ‘Native vegetation’ to reference <i>Biodiversity and Conservation SEPP</i>.
1C.1.3	Watercourses	1-32	<ul style="list-style-type: none"> Amend paragraph (h) to correct reference to Clause 6.5 of HLEP.
1C.1.4	Earthworks and Slope	1-35	<ul style="list-style-type: none"> Amend paragraph (h) to reference C1 National Parks and Nature Reserves zone and C2 Environmental Conservation zone. Under Note, amend reference from Clause 11(7) of <i>SREP No. 20</i> to Section 9.9(7) of the <i>Biodiversity and Conservation SEPP</i>.
1C.2.1	Transport and Parking	1-36	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i> and add abbreviated title.
		1-37	<ul style="list-style-type: none"> Remove references to Epping Town Centre under Car Parking, Motorcycle Parking, Car Share and Bicycle Parking. Paragraphs amended include (o), (p), (x), (y), (ah)-(al). Tables amended include 1C.2.1(c), 1C.2.1(d) and 1C.2.1(e).
		1-38	
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		1-36-a	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i> and use abbreviated title.
	<i>Note: Section 1C.2.1 Transport and Parking within City of Parramatta LGA (p. 1-37-a to 1-44-a) contains transport and parking controls for City of Parramatta and is to remain unchanged.</i>		
1C.2.2	Accessible Design	1-45	<ul style="list-style-type: none"> Amend paragraph (d) to reference <i>Housing SEPP</i> and add abbreviated title.
1C.2.4	Effluent Disposal	1-49	<ul style="list-style-type: none"> Under Note, amend reference from <i>SREP No. 20</i> to <i>Biodiversity and Conservation SEPP</i>. Under Note, amend reference from <i>SEPP No. 62</i> to <i>Primary Production SEPP</i> and add abbreviated title.
1C.2.5	Noise and Vibration	1-50	<ul style="list-style-type: none"> Under Note, amend reference from Clause 102 of <i>ISEPP</i> to Section 2.119 of <i>Transport and Infrastructure SEPP</i>. Amend Note to reference <i>Transport and Infrastructure SEPP</i>.
1C.2.6	Air Quality	1-51	<ul style="list-style-type: none"> Amend paragraph (d) to reference <i>Transport and Infrastructure SEPP</i>. Amend Note to reference <i>Transport and Infrastructure SEPP</i>.
1C.2.11	Signage	1-56	<ul style="list-style-type: none"> Amend paragraph (d) to reference <i>Industry and Employment SEPP</i> and add abbreviated title. Under Note, amend reference from <i>SEPP No. 64</i> to <i>Industry and Employment SEPP</i>.
		1-58	<ul style="list-style-type: none"> Amend Table 1C.2.11(c) to reference <i>Industry and Employment SEPP</i>.
1C.3.1	Bushfire	1-59	<ul style="list-style-type: none"> Amend prescriptive measure (a) to reference <i>Planning for Bushfire Protection 2019</i>. Amend prescriptive measure (d) to reference <i>Planning for Bushfire Protection 2019</i>. Amend Note to reference <i>Planning for Bushfire Protection 2019</i>.
		1-60	<ul style="list-style-type: none"> Amend Notes to reference <i>Planning for Bushfire Protection 2019</i>.
1C.3.2	Flooding	1-61	<ul style="list-style-type: none"> Under Notes, amend reference from Section 149 Planning Certificate to Section 10.7 Planning Certificate
1C.3.4	Land Contamination	1-62	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Resilience and Hazards SEPP</i> and add abbreviated title. Under Note, amend reference from <i>SEPP No. 55</i> to <i>Resilience and Hazards SEPP</i>.
2.1	Rural Buildings	2-5	<ul style="list-style-type: none"> Amend E2 Environmental Conservation to C2 Environmental Conservation. Amend E3 Environmental Management to C3 Environmental Management.
2.1.2	Setbacks	2-7	<ul style="list-style-type: none"> In paragraph (a), correct 'compliment' to 'complement'.
2.1.3	Landscaping	2-8	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.

2.5	Extractive Industries	2-35	<ul style="list-style-type: none"> Amend reference of <i>SREP No. 9</i> to <i>Resources and Energy SEPP</i> and add abbreviated title. Amend Figure 2.5(a) caption to reference <i>Resources and Energy SEPP</i>.
3.1.2	Setbacks	3-9	<ul style="list-style-type: none"> In paragraph (a), correct ‘budilding’ to ‘building’.
3.3.13	Vehicle Access and Parking	3-54	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
3.4.13	Vehicle Access and Parking	3-73	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
3.5.13	Vehicle Access and Parking	3-110	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
4.2.4	Landscaping	4-16	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
4.2.8	Vehicle Access and Parking	4-19	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
4.4.12	Vehicle Access and Parking	4-49	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
4.5.4	Scale within Hornsby LGA Scale within City of Parramatta LGA	4-68 4-69 4-68-a 4-69-a	<ul style="list-style-type: none"> Section 4.5.4 Scale within Hornsby LGA and Section 4.5.4 Scale within City of Parramatta LGA reordered so that each read as a complete set of controls.
4.6.12	Vehicle Access and Parking	4-120	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
5.1.7	Traffic Management Work	5-10	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
6.3.1	Rural Lands Subdivision	6-9	<ul style="list-style-type: none"> Amend E2 Environmental Conservation to C2 Environmental Conservation. Amend E3 Environmental Management to C3 Environmental Management. Amend paragraph (e) to amend reference E3 to C3.
		6-10	<ul style="list-style-type: none"> Amend paragraph (f) to amend reference E3 to C3.
6.4.1	Residential and Rural Lands Accessway Design	6-12	<ul style="list-style-type: none"> Move ‘Common Turning Areas’ heading and prescriptive measure (g) to page 6-13 to improve flow of text.
		6-13	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
7.1.1	Site Requirements	7-4	<ul style="list-style-type: none"> Under Note, amend reference from <i>SEPP No. 55</i> to <i>Resilience and Hazards SEPP</i>.

			<ul style="list-style-type: none"> Under Note, amend reference from <i>Education SEPP</i> to <i>Transport and Infrastructure SEPP</i>. Under Note, delete 'commenced on 1 September 2017' and 'new'. Under Note, amend 'established' to 'establishes'.
7.1.3	Setbacks	7-7	<ul style="list-style-type: none"> In paragraph (a), correct 'compliment' to 'complement'.
7.1.8	Design Details	7-12	<ul style="list-style-type: none"> In desired outcome (a), correct 'compliments' to 'complements'. In prescriptive measure (a), correct 'compliment' to 'complement'.
7.2.1	Seniors Housing	7-14	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Housing SEPP</i> and delete '(as amended)'.
7.2.2	Boarding Houses	7-14	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Housing SEPP</i> and delete '(as amended)'.
7.2.3	Group Homes	7-14	<ul style="list-style-type: none"> Amend paragraph (a) to reference <i>Housing SEPP</i> and delete '(as amended)'.
7.4	Temporary Events	7-16	<ul style="list-style-type: none"> Under Note, delete reference to <i>Temporary Structures SEPP</i>.
8.1	River Settlement Land	8-5	<ul style="list-style-type: none"> Amend E3 Environmental Management to C3 Environmental Management. Amend E4 Environmental Living to C4 Environmental Living.
8.1.2	Scale	8-6	<ul style="list-style-type: none"> Amend Table 8.1.2(c) to reference C3 Environmental Management Zone and C4 Environmental Living Zone.
		8-7	<ul style="list-style-type: none"> Amend paragraph (h) to reference C4 Environmental Living Zone. Amend Figure 8.1(a) caption to reference C4 zone.
8.1.8	Design Details	8-19	<ul style="list-style-type: none"> Amend 'Materials and Colours (E3 and E4 Zones)' heading to reference C3 and C4 Zones.
		8-20	<ul style="list-style-type: none"> Amend 'Roof Forms (E3 and E4 Zones)' heading to reference C3 and C4 zones.
9.3.12	East Epping Heritage Conservation Area – Character Statement	9-35	<ul style="list-style-type: none"> In paragraph (f), correct 'complimentary' to 'complementary'.
9.6.14	Public Domain and Traffic Management Works	9-59	<ul style="list-style-type: none"> Under Note, amend reference from Clause 101(2a) of <i>ISEPP</i> to Section 2.118(2a) of <i>Transport and Infrastructure SEPP</i>.
Annexure A	Glossary of Terms	10-III	<ul style="list-style-type: none"> Amend definition of HLEP to Hornsby Local Environmental Plan 2013.
<i>Exhibited housekeeping amendments highlighted in blue</i>			
<p>EPAA = Environmental Planning and Assessment Act 1979</p> <p>HLEP = Hornsby Local Environmental Plan 2013</p> <p>Vegetation SEPP = State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</p> <p>ISEPP = State Environmental Planning Policy (Infrastructure) 2007</p>			

Education SEPP = State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

SEPP No. 55 = State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 62 = State Environmental Planning Policy No. 62 – Sustainable Aquaculture

SEPP No. 64 = State Environmental Planning Policy No. 64 – Advertising and Signage

SREP No. 9 = Sydney Regional Environmental Plan No. 9 – Extractive Industry

SREP No. 20 = Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Biodiversity and Conservation SEPP = State Environmental Planning Policy (Biodiversity and Conservation) 2021

Transport and Infrastructure SEPP = State Environmental Planning Policy (Transport and Infrastructure) 2021

Resilience and Hazards SEPP = State Environmental Planning Policy (Resilience and Hazards) 2021

Housing SEPP = State Environmental Planning Policy (Housing) 2021

Primary Production SEPP = State Environmental Planning Policy (Primary Production) 2021

Industry and Employment SEPP = State Environmental Planning Policy (industry and Employment) 2021

Resources and Energy SEPP = State Environmental Planning Policy (Resources and Energy) 2021

Hornsby Shire Housing Strategy (2010)

- f. The Hornsby Shire Housing Strategy identifies areas suitable for the provision of additional housing to assist meet Council's housing obligations into the future. The Strategy has been prepared in response to the State Government's Metropolitan Strategy and draft North Subregional Strategy.
- g. A concentrated housing model has been adopted, with housing located in planned precincts rather than dispersed throughout urban areas. The housing form identified includes some mixed use commercial precincts and consists predominantly of 5 storey apartment buildings, along with a mix of townhouses, 3 storey walk-up flats, and 8-10 storey apartments. The Housing Strategy precincts are identified in Figure 3(a) of this DCP.

Hornsby Shire River Settlements and Foreshores Review (2007)

- h. The Hornsby Shire River Settlements and Foreshores Review investigated the suitability of the existing planning controls for the River Settlement areas having regard to emerging issues and current best practices.

Hornsby Shire Rural Lands Study (1995) and Hornsby Shire Rural Lands Planning Provisions Review (2009)

- i. The Hornsby Shire Rural Lands Study investigates the role of rural lands within the Local Government Area and provides controls for development to improve the environment. Development should aim to protect rural activities, resource lands, rural landscapes and biodiversity. To conserve the desirable values of the rural lands, the Study (1995) identified the qualities which give the areas its scenic and rural character.

Epping Town Centre Precinct and the Urban Activation Precinct Program

- j. The planning controls within this DCP are also informed by the Epping Town Centre Study 2011 and the Epping Town Centre Precinct Structure Plan and Public Domain Plan 2013 prepared for the Precinct by the then Department of Planning and Infrastructure.

1A.5 Relationship to other plans and policies

- a. This DCP is made under Section ~~74C~~ 3.43 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- b. This DCP must be read in conjunction with an environmental planning instrument (EPI) that applies to the land. EPIs include local environmental plans (LEP) and state environmental planning policies (SEPP).
- c. The *Hornsby Local Environmental Plan 2013* (HLEP) is the only local environmental planning instrument that applies to land to which this DCP applies. A number of State Environmental Planning Policies (SEPPs) may also apply to a development application. The provisions of any EPI prevail in the event of any inconsistency with this DCP.
- d. Section 1B.6 prescribes trees or other vegetation for the purpose of ~~Clause 5.9 of the HELP~~ preservation.

1A.6 Development contributions and planning agreements

- a. Some developments generate the need for development contributions where they result in an increase in the demand for community services and infrastructure. These developments will also need to address:
 - The *Hornsby Shire Council Section ~~94~~ Development Contributions Plan 2012-2021 7.11 Development Contributions Plan 2020 – 2030.*
 - The *Hornsby Shire Council Section ~~94A~~ Development Contributions Plan 2012-2021 7.12 Development Contributions Plan 2019 – 2029.*
- b. Planning agreements may also be made in accordance with the requirements of the EP&A Act and are voluntary agreements between Council and an applicant for development.

Note:

The above Development Contributions Plans are available for viewing on Council's website hornsby.nsw.gov.au

1B Administration

1B.1 How to Use this DCP

- a. This DCP consists of a written document and figures, and is divided into a number of Parts. Within each Part are a number of Sections.
- b. The Parts to the DCP relate either to all land, the zoning of land, a development type or a specific area. An application may be required to meet development controls contained in a number of parts of the DCP. Table 1B.1(a) provides a summary of the DCP parts and where they should be applied.
- c. DCP Part Nos.2 to 9 inclusive incorporate an Introductory statement that identifies a more detailed strategic context for the planning controls that follow.
- d. The applicability of each Part and/or Section of the DCP is described under the heading to each Part and/or Section of the DCP. An example of the applicability of the DCP to various development types is provided in Table 1B.1(b).

Table 1B.1(a): Description of DCP Parts

DCP Part	Summary of Applicability
Part 1 - General	Part 1 provides general controls that apply to all Development Applications . Part 1A explains the purpose of the DCP. Part 1B provides administrative provisions including how to use the DCP, Notification and Exhibition requirements and Tree and Vegetation preservation controls pursuant to Clause 5.9 of the HLEP . Part 1C establishes the general development controls for all development, including controls for the natural environment, built environment and hazards.
Part 2 - Rural	Part 2 provides controls for development of land in the Rural area, as defined by Figure 2(a). Section 2.1 provides controls for Rural Buildings within defined zones. Section 2.2 provides controls for certain rural landuses. Section 2.3 provides Village Masterplans within the rural area. Section 2.4 provides controls for land zoned RU5 in Rural Village. Section 2.5 provides controls for Extractive Industries.
Part 3 - Residential	Part 3 provides controls for development of prescribed residential landuses within prescribed residential localities (identified by the HLEP zone and HLEP height map).
Part 4 - Business	Part 4 provides controls for development of land in a Business Zone.
Part 5 - Industrial	Part 5 provides controls for development of land in Industrial Zones IN1 and IN2.
Part 6 - Subdivision	Part 6 provides specific additional controls for the subdivision of land.
Part 7 - Community	Part 7 provides specific controls for certain types of developments such as: childcare centres, schools, places of public worship, community housing, telecommunications, temporary events and health service facilities.
Part 8 - River Settlements	Part 8 provides controls for development of land in the River Settlements, as defined by Figure 8(a). Section 8.1 provides controls for buildings within defined zones. Section 8.2 provides controls for certain types of River Settlement Landuses, such as boat sheds, jetties and seawalls. Section 8.3 provides Masterplans for Berowra Waters and Kangaroo Point.
Part 9 - Heritage	Part 9 provides controls for development that may impact on heritage items or areas. Section 9.1 provides administrative controls for development involving heritage. Section 9.2 provides controls for development involving listed heritage items. Section 9.3 applies to Heritage Conservation Areas. Section 9.4 applies to land in the vicinity of heritage items and Heritage Conservation Areas. Section 9.5 applies to development of land (including undisturbed land) that may contain an Aboriginal relic or place. Section 9.6 provides specific controls for the Beecroft Heritage Precinct (redevelopment area).
Annexures	Contains detailed information referenced throughout the DCP

1B.2 Desired Outcome, Prescriptive Measures, Figures and Notes

- a. Each DCP section includes desired outcomes, prescriptive measures, figures and notes.

Desired Outcomes

- b. Desired outcomes are statements that describe the outcomes sought.

Prescriptive Measures

- c. Prescriptive measures are requirements that are likely to achieve the desired outcomes.
- d. Where an application proposes a variation to the prescriptive measures of the DCP, justification should be provided with the application.
- e. Compliance with the prescriptive measures does not guarantee approval of an application. Each Development Application will also be assessed having regard to the *HLEP*, the provisions of this DCP, and other matters listed in Section ~~79C~~ 4.15 of *EP&A Act*.
- f. The provisions of this DCP will be consistently applied by the consent authority.

Figures

- g. Figures fulfil different functions within the DCP, as follows:
- Figures are Prescriptive Measures when specifically referenced in the text above and are indicated by the annotation (C),
 - Figures interpret the prescriptive measures in the text. These Figures are not referenced in the text above and are indicated by the annotation (I). For Example, Figure 3.1(a) explains how the building height controls should be interpreted, and
 - Figures provide an example of how the prescriptive measures could be applied. The Figure title identifies that this is an example and are indicated by the annotation (E). For Example, Figure 3.1(e) is an example of how sun shading devices could be incorporated into the design of a dwelling house. (E)

Notes

- h. Notes fulfil different functions within the DCP, as follows:
- Notes include definitions and are essential for the interpretation of the DCP,
 - Notes provide references for further information,

guidelines and cross-references to other legislative requirements,

- Notes include educational material to assist in interpreting the DCP controls and identify preferred and/or discouraged outcomes, and
- Notes identify some Development Application submission requirements.

1B.3 Interpretation

- i. Where this DCP uses terms that are defined in the *HLEP*, the definitions in the *HLEP* are adopted. Other terms used throughout this DCP are defined in Annexure A Glossary of Terms.
- j. In addition, certain provisions of this DCP include definitions that are specific to those provisions.
- k. A reference in this DCP to any Australian Standard or legislation includes a reference to any amendment or replacement as made.

1B.4 Submitting an Application

- l. Development applications should be accompanied by information as described within:
- the Hornsby Shire Council Development Application Submission Guideline,
 - this DCP,
 - environmental planning instruments (eg *HLEP* and applicable SEPPs), and
 - Environmental Planning and Assessment Regulation 2000* (Schedule 1).
- m. Development Applications for buildings 10 storeys or more, should be accompanied by a digitally produced, 3D massing model and information as described within:
- SEPP 65 - Design Quality of Residential Apartment Development*, Apartment Design Guide; and
 - Clause 6.8 Design Excellence* of the *HLEP*.

Note:

For further information refer to the Hornsby Shire Council Development Application Submission Guideline available at Council's website [hornsby.nsw.gov.au](https://www.hornsby.nsw.gov.au).

1B.5 Notification and Exhibition 1B.5.1

Public Exhibition Strategy

- a. The public exhibition strategy for a notifiable Development Application (DA) comprises the following steps:
- Adjoining property owners are notified via letter when a DA is lodged,
 - Property owners and occupiers in the broader area, who may have an interest in the DA, are notified via a sign that is to be erected on the site,
 - In addition, all significant applications are advertised in a Local Paper,
 - Neighbours are able to remain up to date with the status of the application via the DA tracking facility provided on line,
 - All submissions are taken into consideration in the Council's Development Assessment Report, and
 - All submitters are advised of the determination of the application via letter.

1B.5.2 Notification of Applications

General

- a. Council will publicly exhibit applications in accordance with the *EP&A Act* and the provisions of this DCP including Table 1B.5(a).
- b. The following applications do not require public notification or exhibition:
- Section ~~96(1)~~ 4.55(1) modifications for minor errors, misdescription or miscalculation,
 - Section ~~96(1A)~~ 4.55(1A) modifications of minimal environmental impact,
 - Temporary community advertisements, or
 - Any other development which in Council's opinion would not adversely impact upon the amenity of the locality.

Sign On Property

- c. The applicant should display a Council issued A4 sized notice on the site in a prominent position that can be read by members of the community for the duration of the exhibition period, in accordance with Table 1B.5(a).
- d. The applicant should provide Council with evidence that the sign was in place on the site at the commencement of the exhibition period.

Note: Evidence could include a dated photo or statutory declaration.

Table 1B.5(a): Notification and Exhibition of Application

Application Type	Sign on Property	Local Paper Advertisement	Letter to adjoining property owner	Exhibition Period
Designated, Advertised and Nominated Integrated Development (<i>Heritage Act and Water Management Act</i>)	Yes	Yes	Yes	30 days
Integrated Development	Yes	Yes	Yes	14 days
Local Development (other than listed below)	Yes	Yes	Yes	14 days
Local Development involving <ul style="list-style-type: none"> • dwelling houses and ancillary work, or • advertising signs, or • temporary use of land per Clause 2.8 of <i>HLEP</i> 	Yes	No	Yes	14 days
Section 82A 8.2 Applications	Yes	As per original DA	Yes, and to any objectors of original DA	14 days
Section 96(2) 4.55(2) and 96(AA) 4.56 Applications	Yes	As per original DA	Yes, and to any objectors of original DA	14 days

1B.5.3 Submissions

Lodging a Submission

- a. Any person may make a submission in response to a development application whether or not a notification letter has been forwarded to the person.
- b. Submissions must be made in writing (including e-mail). The submission should clearly identify the:
 - name and address of the writer (and email address where available),
 - the address of the proposed development,
 - Council's application number, and
 - the reasons for any objection to, or support of, the proposal.
- c. In accordance with Section ~~147~~ 10.4 of the *EP&A Act*, any person or organisation who has made a submission in respect of a relevant planning application, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.

Consideration of Submissions

- d. Council does not acknowledge receipt of submissions. However, all submissions received within the exhibition period will be included in the assessment of the application.
- e. Submissions are not regarded as confidential and may be placed on Council's website.
- f. Where an application is to be determined at a Council meeting, rather than by Council officers, Council will extend an invitation to the applicant and all submitters to attend the meeting.
- g. Where a petition has been received, all correspondence will be directed to the lead petitioner only. The responsibility to inform co-petitioners rests with the lead petitioner.

Notes:

Applicants can check on the status of development applications on Council's website hornsby.nsw.gov.au.

Whilst every effort will be made to consider a submission received by Council outside of the prescribed exhibition period, this can not be guaranteed.

A petition will be recorded as one submission containing x number of signatures.

1B.5.4 Determination of Applications

Post Determination Notification

- a. Council will notify submitters of its determination of the application in writing.
- b. Council will publish determination of all applications in a locally circulated newspaper, being one of the following:
 - Hornsby and Upper North Shore Advocate,
 - Hills News, or
 - Northern District Times.
- c. All applications determined will be notified on Council's website.

1B.6 Tree and Vegetation Preservation

This section is made in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the ~~Vegetation SEPP~~) (Biodiversity and Conservation) 2021 (the Biodiversity and Conservation SEPP) and prescribes the trees and vegetation to which the Vegetation SEPP and/or Clause 5.10 of the HLEP applies and the applicable approval process.

1B.6.1 Tree Preservation

Prescribed Trees

- a. The prescribed trees that are protected by the ~~Vegetation~~ Biodiversity and Conservation SEPP and/or Clause 5.10 of the HLEP and this Section of the DCP includes:
 - trees except exempt tree species in Hornsby Shire, as listed in Table 1B.6 (a) or subject to the Biodiversity Offset Scheme,
 - all trees on land within a heritage conservation area described within the HLEP, and
 - all trees on land comprising heritage items listed within the HLEP.
- b. To damage or remove any tree protected under this DCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part (under the heading 'Exempt Tree Work').
- c. For the purposes of this section:
 - **Arborist (Project and Consulting)** must have obtained through training and completed Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture.
 - **A tree** is defined as a long lived woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than 3 metres.
 - **Biodiversity Offset Scheme (BOS)** means a scheme enacted by the Biodiversity Conservation Act 2016, Biodiversity Conservation Regulation 2017 and Local Land Services Amendment Act 2016. The BOS includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold, either which trigger an alternative approval framework for the clearing of native vegetation. The SBV Map can be viewed on the OEH website and the SBV Area Thresholds are included as notes at the end of this section.
 - **Native vegetation** has the same meaning as in Part 5A of the Local Land Services Act 2013, with the exclusion of 60B(4) for the purposes of including marine vegetation in the definition of native vegetation.
 - **Damage** means to impair the value or usefulness, or weaken the health or the normal function of a tree

or vegetation.

- **Remove** means to cut down, knock down, kill, lop or destroy.
- **Prune** means to selectively remove branches.
- **Tree Protection Zone** means the area above or below ground at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree.

Table 1B.6(a) Exempt Tree Species in Hornsby Shire

Botanical name	Common Name
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia saligna</i>	Golden Wreath Wattle
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Arecastrum romanzoffianum</i>	Cocos Palm
<i>Celtis sinensis</i>	Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
All edible fruit and nut trees except native species such as <i>Acmena spp</i> (Lilli Pilli), <i>Syzygium spp</i> (Lilli Pilli) <i>Elaeocarpus spp</i> (Blueberry Ash) or <i>Macadamia spp</i> (Macadamia Tree)	Fruit and Nut trees
<i>Cotoneaster spp.</i>	Cotoneaster
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina spp</i>	Coral tree
<i>Ficus elastica</i>	Rubber tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum spp</i>	Privet
<i>Populus spp</i>	Poplar
<i>Pyracantha augustifolia</i>	Firethorn
<i>Robinia pseudoscacia</i>	Golden Robinia
<i>Salix spp</i>	Willow
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schinus spp</i>	Peppercorn Tree
<i>Toxicodendron spp</i>	Rhus

Notes:

Further information on exempt tree species in Hornsby Shire is available on Council's website hornsby.nsw.gov.au.

Exempt Tree Work

d. The following exemptions to this part apply as set out below:

- The removal of a tree deemed by Council in writing and shown by recorded photographic evidence to be dead and is not required as the habitat of native fauna.
- The removal of species listed under the NSW *Biosecurity Act 2015*.
- Pruning of a tree by less than 10% of the foliage area in accordance with Australian Standard *Australian Standard AS 4373 Pruning of Amenity Trees AS 4373-2007* not more than once annually.
- The removal of or pruning of a tree where the base of the trunk of the tree at ground level is located within 3 metres of the foundation of an approved building (excluding detached garages, carports and other buildings ancillary to a dwelling house).
- The removal of a tree less than 3 metres in height not located within native vegetation.
- Trees deemed by Council in writing and shown by recorded photographic evidence or written evidence provided by a qualified Arborist (AQF5) as an imminent risk to human life or is likely to cause substantial damage to property in the near future.
- The removal of or pruning to a tree located on Council owned or managed land provided the works are undertaken by Council or Council authorized agents.

e. The exemptions at (d) above do not apply to:

- all lands mapped as Biodiversity on the *HLEP Terrestrial Biodiversity Map*, or
- threatened species or land that contains native vegetation which is habitat for threatened species, populations or ecological communities listed in Schedule 1 and 2 of the *Biodiversity Conservation Act 2016* and protected matters listed under the *Commonwealth EPBC Act 1999*, or
- work that is contrary to a development consent that requires trees to be retained, or
- Any work to a tree that is or forms part of a heritage item or heritage conservation area, requires approval from the Council pursuant to the provisions of ~~Clause-10(3) of the Vegetation~~ **Section 2.10(3) of the Biodiversity and Conservation SEPP** and/or Clause 5.10 of the *HLEP*.

- land located within 50 metres of and including land that contains native vegetation which is habitat or potential habitat for species, populations or ecological communities listed in Schedule 1 and 2 of the *Biodiversity Conservation Act 2016* and protected matters listed under the *Commonwealth EPBC Act 1999*

Lodging an Application for Tree Work

- f. An application is required to be completed and forwarded to Council for all work to protected trees where an exemption does not apply. Table 1B.6(b) below identifies what type of application is required to be completed for work to trees.
- g. Where works to trees is required as part of other works for which development consent is required, the works will be assessed as part of the Development Application.

Notes:

Pursuant to 5.10(3) of the *HLEP*, Council has the ability to determine the type of application required in relation to trees on heritage properties.

AQF is the Australian Qualification Framework, a national framework for all educational and training purposes in Australia.

Table 1B.6(b) Type of Tree Application Required

Location	Extent of Works	Form of Application
Heritage Item	Council is satisfied that the works to a tree are minor as described by Clause 10(3) of Vegetation Section 2.10 (3) of the Biodiversity and Conservation SEPP and Clause 5.10(3) of the HLEP	Tree Permit
	Major work to any tree	Development Application
Land within a Heritage Conservation Area	Council is satisfied that the works to a tree are minor as described by Clause 10(3) of Vegetation Section 2.10 (3) of the Biodiversity and Conservation SEPP and Clause 5.10(3) of the HLEP	Tree Permit
	Major work to any tree	Development Application
Other land - tree removal or pruning	Removal or pruning of trees not subject to BOS	Tree Permit
Other land - work within a Tree Protection Zone of a protected tree and/or a tree located on other land <i>Work includes Construction (driveways, concrete slabs, retaining walls) and earthworks (changes in soil levels, embankments, trenching)</i>	Work within the Tree Protection Zone not subject to BOS	Tree Permit
Work that is contrary to a development consent that requires trees to be retained	Work to any prescribed tree	Section 96 4.55 Application

h. For the purpose of Table 1B.6(b), a *Tree Protection Zone* is defined as the area within:

- 9 metres of a tree with a diameter at breast height of 800mm or greater,
- 7 metres of a tree with a diameter at breast height of between 400mm and 800mm, and
- 4 metres of a tree with a diameter at breast height of 400mm or less.

Consideration of an Application for Tree Work

- i. The removal of, or work to, trees should be consistent with the applicable provisions of the ~~Vegetation-~~ **Biodiversity and Conservation** SEPP, HLEP and HDCP.
- j. Trees will be assessed using arboricultural, ecological and industry accepted safety evaluation methods to determine the safe useful life expectancy of the trees. Accordingly, any application for removal must demonstrate that the removal of the tree is appropriate based on an assessment of the safe useful life and risk to human life or property using industry relevant risk assessment such as Tree Risk Assessment Qualification (TRAQ) or Qualified Tree Risk Assessment (QTRA).
- k. Where trees are to be retained, the provisions of *Australian Standard AS 4970 Protection of Trees on Development Sites* must be applied.
- l. All tree pruning work must be carried out in accordance with *Australian Standard AS 4373 Pruning of Amenity Trees*.
- m. Any tree approved to be removed from a site should be replaced with a tree of like habit and indigenous to Hornsby Shire, planted as near as practicable to the location of the removed tree, grown to maturity and replaced if the planting fails to survive and thrive in accordance with Council's Green Offsets Code.

Notes:

Works on land identified as "Biodiversity" on the HLEP Terrestrial Biodiversity Map should have regard to Section 1C.1.1 Biodiversity of this DCP.

Works involving heritage items and heritage conservation areas should also have regard to Part 9 Heritage of this DCP.

Section 12.12 of the ~~Vegetation-~~ **Biodiversity and Conservation** SEPP provides that the applicant for a permit may appeal to the Land and Environment Court against refusal by a Council to grant a permit. Any such appeal is to be made within 3 months of the date on which the applicant is notified of the decision or within 3 months after the Council is taken to have refused the application (whichever is later).

The Biodiversity Offset Scheme (BOS) includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold. If either criteria is met then the offsets scheme must be applied unless it is subject to a listed exemption.

The SBV Map has been prepared as part of the BOS and may be viewed on the OEH website www.lmhc.nsw.gov.au/Maps/index.html?viewer=BVMap

The Biodiversity Conservation Regulation 2017 sets out the following SBV Area Thresholds:

Minimum lot size	Proposed area of clearing
Less than 1 hectare	0.25 hectares
Less than 2 hectares	0.5 hectares
2 to 39 hectares	0.5 hectare
40 to 999 hectares	1 hectare
1000 hectares or more	2 hectares

1B.6.2 Vegetation Preservation

Prescribed Vegetation

- a. The prescribed vegetation that is protected by ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ (the ~~Vegetation SEPP~~) the ~~Biodiversity and Conservation SEPP~~ and/or Clause 5.10 of the ~~HLEP~~ and this Section of the DCP includes:
 - Native vegetation except subject to the Biodiversity Offset Scheme (BOS), and
 - vegetation on heritage listed properties under the ~~HLEP~~.
- b. To damage or remove any vegetation protected under this DCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part (under the heading 'Exempt Vegetation Work').
- c. For the purposes of this part:
 - **A tree** is defined as a long lived woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than 3 metres.
 - **Biodiversity Offset Scheme (BOS)** means a scheme enacted by the *Biodiversity Conservation Act 2016*, *Biodiversity Conservation Regulation 2017* and *Local Land Services Amendment Act 2016*. The BOS includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold, either which trigger an alternative approval framework for the clearing of native vegetation. The SBV Map can be viewed on the OEH website and the SBV Area Thresholds are included as notes at the end of this section
 - **Native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*, with the exclusion of 60B(4) for the purposes of including marine vegetation in the definition of native vegetation.
 - **Damage** means to impair the value or usefulness, or weaken the health or the normal function of a tree or vegetation.
 - **Remove** means to cut down, knock down, kill, lop or destroy.

Exempt Vegetation Work

- d. An application is not required for the following work to vegetation protected under this DCP:
 - The clearing of vegetation (excluding trees) on a property once every 5 years in accordance with the maximum cumulative area in Table 1B.6.2(a).

Table 1B.6.2(a) Exempt Vegetation Work

Land zone under HLEP	Maximum exempt vegetation removal
Prescribed rural areas (Zones RU1, RU2, RU4)	30m ²
Prescribed urban areas (Zones R2, R3, R4, RU5, SP2, SP3, B1, B2, B3, B4, B5, B6, IN1 & IN2)	10m ²

- The clearing of vegetation where deemed by Council in writing and shown by recorded photographic evidence to be dead and is not required for habitat for native fauna.
 - The clearing of vegetation where deemed by Council in writing and shown by recorded photographic evidence to be an imminent risk to human life or is likely to cause substantial damage to property in the near future.
- e. The exemptions in Table 1B.6.2(a) do not apply to:
- land with a gradient in excess of 20 percent,
 - land containing marine vegetation,
 - land located within 20 metres of and including a watercourse,
 - land located within 50 metres of and including land identified as "Biodiversity" on the Terrestrial Biodiversity Map in ~~HLEP~~,
 - land located within 50 metres of and including land that contains native vegetation which is habitat or potential habitat for species, populations or ecological communities listed in Schedule 1 and 2 of the *Biodiversity Conservation Act 2016* and protected matters listed under the *Commonwealth EPBC Act 1999*
 - work that is contrary to a development consent that requires vegetation to be retained,
 - all vegetation on heritage listed properties,
 - native vegetation within heritage conservation areas,
 - land if it results in the fragmentation or isolation of native vegetation, or
 - land if it reduces effective vegetation buffers to adjoining Community Open Space or Private Open Space lands.
- f. Notwithstanding the exemptions at (d) above, minor work to vegetation that is or forms part of a heritage item or heritage conservation area, requires approval from the Council pursuant to the provisions of ~~Clause 10(3)~~ Section 2.10(3) of the ~~Vegetation Biodiversity and Conservation SEPP~~ and/or Clause 5.10 of the ~~HLEP~~.

g. Any vegetation removed pursuant to the exempt provisions within this section should:

- occur in areas deemed to be ancillary to an approved existing dwelling or structure,
- be undertaken by hand (not heavy machinery), and
- require replacement planting to stabilise the soil (where necessary) that is indigenous to the adjoining vegetation community present and not include species recognised as invasive to native vegetation.

Lodging an Application for Vegetation Work

- h. An application is required to be completed and forwarded to Council for all work to protected vegetation where an exemption does not apply. Table 1B.6.2(b) below identifies what type of application is required to be completed for work to vegetation.
- i. Where vegetation work is required as part of other works for which development consent is required, the works will be assessed as part of the Development Application.

Table 1B.6.2(b) Type of Vegetation Application Required

Location	Extent of Works	Form of Application
Heritage Item	Minor work to any vegetation that is or forms part of a Heritage Item as described by Clause 10(3) of the Vegetation Section 2.10(3) of the Biodiversity and Conservation SEPP and Clause 5.10(3) of the HLEP	Vegetation Permit
	Major work to any vegetation that is or forms part of a Heritage Item (i.e. work that is not minor as described by Clause 10(3) of the Vegetation Section 2.10(3) of the Biodiversity and Conservation SEPP and Clause 5.10(3) of the HLEP)	Development Application
Land within a Heritage Conservation Area	Minor work to any protected vegetation as described by Clause 10(3) of the Vegetation Section 2.10(3) of the Biodiversity and Conservation SEPP and Clause 5.10(3) of the HLEP	Vegetation Permit
	Major work to any protected vegetation (i.e. work that is not minor as described by Clause 10(3) of the Vegetation Section 2.10(3) of the Biodiversity and Conservation SEPP and Clause 5.10(3) of the HLEP)	Development Application
Other land	Removal or modification of native vegetation not associated with development requiring consent	Vegetation Permit
Work that is contrary to a development consent that requires vegetation to be retained	Work to vegetation that is required to be retained or rehabilitated by the consent conditions	Section 96 4.55 Application

Consideration of an Application for Vegetation Work

- j. The removal of, or work to, vegetation should be consistent with the applicable provisions of the **Vegetation Biodiversity and Conservation SEPP**, HLEP and HDCP.
- k. Vegetation will be assessed using an arboricultural, ecological and industry accepted safety evaluation method. Accordingly, any application for removal must demonstrate that the removal of vegetation is appropriate based on an assessment of the:
 - conservation significance/health/longevity of the vegetation; and
 - risk to human life or property.

Notes:

The clearing of native vegetation that is exempt in Table 1B.6.2(a) is to facilitate minor development such as sheds ancillary to dwellings that may be otherwise permissible under SEPP (Exempt and Complying Development Codes) 2008. The intent is not to allow extensive bushland removal.

Works on land identified as “Biodiversity” on the HLEP Terrestrial Biodiversity Map should have regard to Section 1C.1.1 Biodiversity of this DCP.

Works involving heritage items and heritage conservation areas should also have regard to Part 9 Heritage of this DCP.

Environmental Protection Works including bush regeneration work is permitted without development consent in the land use table for most zones under the HLEP.

Section 12-2.12 of the **Vegetation Biodiversity and Conservation SEPP** provides that the applicant for a permit may appeal to the Land and Environment Court against refusal by a Council to grant a permit. Any such appeal is to be made within 3 months of the date on which the applicant is notified of the decision or within 3 months after the Council is taken to have refused the application (whichever is later).

The Biodiversity Offset Scheme (BOS) includes a Sensitive Biodiversity Values (SBV) Map and Area Threshold. If either criteria is met then the offsets scheme must be applied unless it is subject to a listed exemption.

The SBV Map has been prepared as part of the BOS and may be viewed on the OEH website www.lmhc.nsw.gov.au/Maps/index.html?viewer=BVMap

The Biodiversity Conservation Regulation 2017 sets out the following SBV Area Thresholds:

Minimum lot size	Proposed area of clearing
Less than 1 hectare	0.25 hectares
Less than 2 hectares	0.5 hectares
2 to 39 hectares	0.5 hectare
40 to 999 hectares	1 hectare
1000 hectares or more	2 hectares

1B.7 Tree and Vegetation Preservation within the City of Parramatta (land formerly part of Hornsby LGA)

The following section provides controls for land within the City of Parramatta Local Government Area (LGA) which was formerly part of Hornsby LGA (see Figure 1B.7a).

This section outlines the trees or vegetation to which Part 3 2.3 of ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP applies by reference to species, size or location.

Section 1B.7.3 sets out the meanings of expressions used in Section 1B.7.

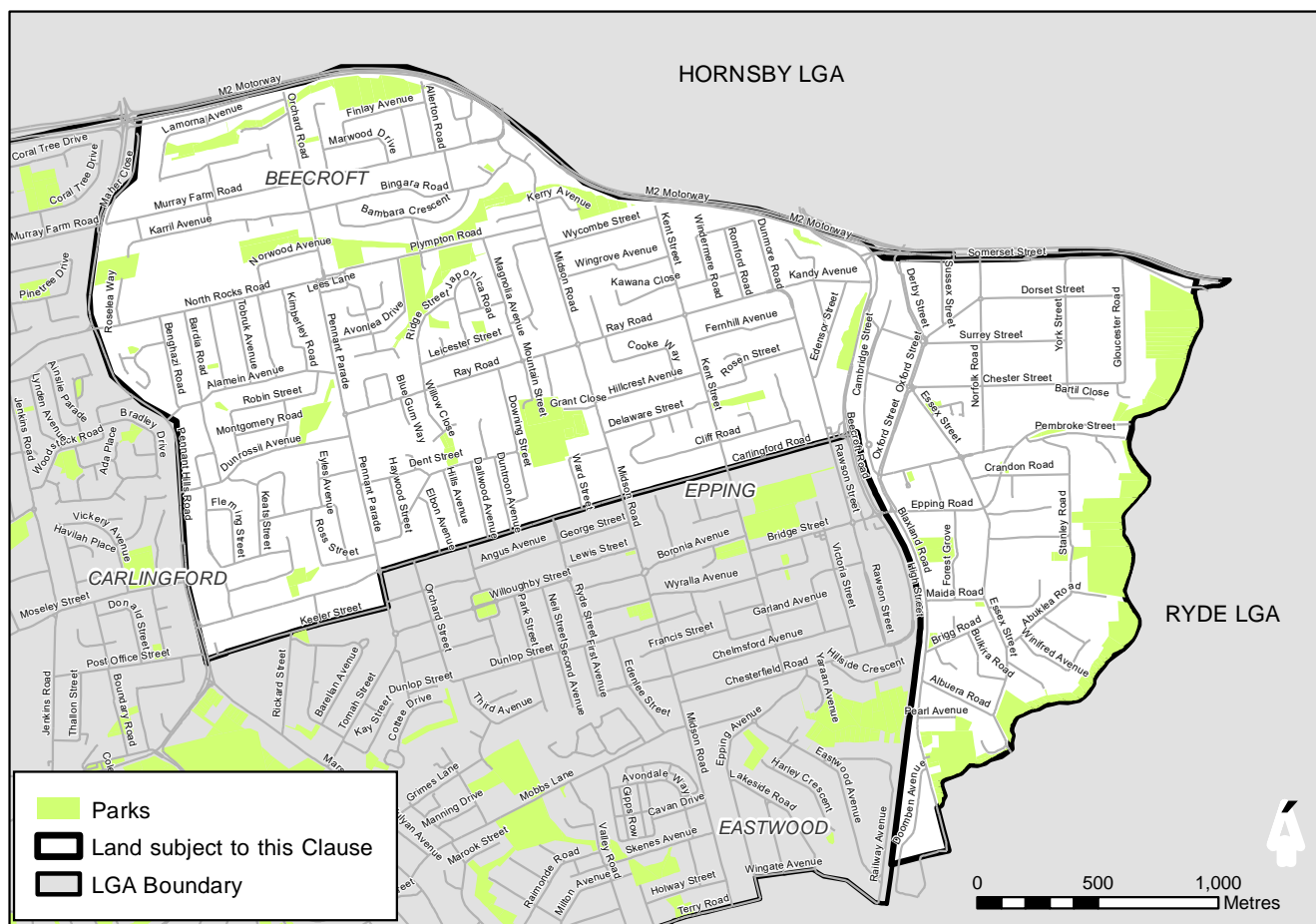


Figure 1B.7a - Land to which this section applies

Trees play an important role in the 'greening' of our city. They make our surroundings pleasant, provide relief from summer heat and reduce glare from the pavement. They also increase the value of real estate, reduce runoff and improve the quality of the air we breathe.

Council considers it important to carefully manage this precious resource and to preserve the existing urban forest within the City of Parramatta LGA for the purpose of establishing green corridors and maintaining the natural aesthetic values within the urban environment.

Trees on sites listed on the New South Wales State Heritage Register require Heritage Council approval or exemption from this approval prior to any pruning or proposed removal. Exemptions may be granted for pruning up to 30% of the canopy of a tree on a State Heritage Register-listed site within a two year period. More information on Heritage Council approvals and exemptions is available online at www.heritage.nsw.gov.au/development.

Objectives

- To maintain and enhance the amenity of City of Parramatta LGA through the preservation of appropriate trees and vegetation.
- To retain City of Parramatta LGA's urban forest cover particularly its street tree and parkland tree population to alleviate urban heat impact.
- To appropriately manage trees and vegetation in order to ensure their health and long term retention.
- To conserve trees of ecological, heritage, aesthetic and cultural significance.
- To protect and manage individual trees as an important community asset.
- To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within the City.
- To ensure all new development considers and protects existing trees on development sites and provides opportunity for the healthy growth of large trees.

How to use this section

- a. This section is to be read in conjunction with [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\)-2017 the Biodiversity and Conservation SEPP](#).
- b. Other sections of Hornsby Development Control Plan 2013 may also be relevant considerations, including Biodiversity and other natural environment controls in Section 1C.1. The controls in this section, to the extent

of any inconsistency in relation to trees and vegetation in City of Parramatta LGA, take precedence over the controls in other sections of this DCP.

- c. All references to Acts, Regulations, Codes, Australian Standards, Plans, policies, the Technical Manual and the Guide are to those documents as amended over time.

Note: Under [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\)-2017 the Biodiversity and Conservation SEPP](#), clearing of native vegetation, including trees, above a certain threshold triggers an alternate approval pathway through the Native Vegetation Panel. As at November 2017 the threshold included clearing of more than 2,500sqm of native vegetation on a site, or the clearing of ANY native vegetation on sites identified by the Office of Environment and Heritage as having high biodiversity value on the Biodiversity Value Map (www.lmbc.nsw.gov.au/BVMap).

More information on the Policy and the Native Vegetation Panel is available online at www.planning.nsw.gov.au/VegetationSEPP.

1B.7.1 Tree Preservation - land within the City of Parramatta LGA

Prescribed Trees

- a. The prescribed trees to which Part 3-2.3 of [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\)-2017 the Biodiversity and Conservation SEPP](#) and the controls in this section apply include:
 - Any tree or palm – whether indigenous, endemic, exotic or introduced species - with a height equal to or exceeding 5 metres.
 - Any tree or mangrove vegetation located on public land, irrespective of size.
 - Any tree or plant, irrespective of size:
 - i. that is or forms part of a heritage item, or that is within a heritage conservation area; or
 - ii. that is or forms part of an Aboriginal object, or that is within an Aboriginal place of heritage significance.

Penalties

- b. A person found guilty of an offence for a contravention of these controls may be issued a penalty infringement notice not exceeding \$3,000 for individuals, \$6,000 for companies, fined up to \$110,000 if dealt with in the Local Court or up to \$1,100,000 if dealt with in the Land & Environment Court.
- c. In addition to a penalty awarded, the Court may also order the repair, remedial pruning or replacement of a damaged or removed tree and impose an order to maintain such replacement to maturity.

- d. The Biodiversity Conservation Act 2016 also provides for additional penalties that may be imposed for offences relating to the harming or damaging of protected or threatened plants, animals and ecological communities. Maximum penalties include fines and imprisonment.

Tree Permit

This section explains which tree works require a tree permit and sets out the controls for these works.

Controls

- e. A tree permit must be obtained before any tree works are carried out on a prescribed tree, including its root zone. An arboricultural report and other reports and information, may be required to be submitted as part of the Tree Permit assessment process.
- f. All tree works must be carried out in accordance with the WorkCover NSW Code of Practice: 'Amenity Tree Industry' - 1998.
- g. Trees removed as a consequence of approval by a tree permit may need to be replaced with a suitable canopy tree or trees in a suitable location on the site.

Offset Program

- h. Should Council approve tree works, Council prefers that trees that are removed are replaced on the site with a suitable replacement canopy tree and in a suitable location onsite. However, there may be circumstances when there is no suitable location on site (for example, in the case of small backyards); in this case, a financial contribution will be required to be paid to support public tree planting. Offset fees are contained within City of Parramatta Council's published fees and charges.

How an application is made

- i. An application for consent to undertake tree works shall be made, using City of Parramatta Council's Tree Permit Application, by all owners of the land on which the tree works are to be carried out or by any person with written consent of the owners. The application form must be completed and submitted to City of Parramatta Council together with the appropriate fee.
- j. City of Parramatta's Tree Permit Application form can be found online at www.cityofparramatta.nsw.gov.au/living-and-community/trees.

Trees Considered to be Dangerous

- k. If a tree is considered to be:
- Dead or dying and is not required as the habitat of

native animals; or

- Posing an imminent risk to human life or property (see [Clause 8\(2\) and 8\(3\)](#) [Section 2.7\(2\) and 2.7\(3\)](#) of [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) the Biodiversity and Conservation SEPP;
- a tree permit application is not required to be submitted to Council for the removal of that tree.

- l. Before any tree works are undertaken, Council must be satisfied that the tree is dead, dying or posing an imminent risk to human life or property. If satisfied, Council will issue a letter confirming that the tree is exempt from the requirement of a tree permit. Council may require a replacement tree be planted to ensure that in time this tree is replaced.
- m. In determining if the tree is posing an imminent risk to human life or property, a tree risk assessment will be undertaken that will consider:
- Likelihood of failure
 - Likelihood of impacting a target
 - Consequences of impact.

Note: Section 'Penalties' sets out the penalties for persons found guilty of unlawfully clearing trees and vegetation without the necessary approvals. Sections 'Exempt Works' and 'Exempt Pruning Works' detail exemptions from a tree permit for tree works to be undertaken by the State Emergency Service or Rural Fire Service in response to emergency, severe natural event and other nominated circumstances.

Assessment Process

- n. In considering a tree application, the Council shall consider the retention value of the tree through a 3 step process:

Step 1: Assess the sustainability of the tree in its location. This is determined by considering the vitality, structural condition, age/longevity and suitability of the tree to the site.

Questions to be considered:

- Has the tree reached the end of its lifespan or is there evidence of decline?
- Does the tree show evidence of potential structural failure, and could become dangerous requiring it to be removed at a later date?
- Does the tree impact on a main area of private open space, so that it compromises the use of the open space for passive or active recreation?
- Is there evidence of damage to the tree due to pests or disease that will reduce the lifespan of the tree?
- Is there evidence that the tree is causing structural damage to a building?

- Is the species of tree suited to the location?

Step 2: Assess the landscape and amenity significance of the tree. This is determined by considering the amenity, heritage and environmental value of each tree.

Questions to be considered:

- Is the tree prominent in the streetscape?
- Does the tree have heritage significance or contribute to the significance of a place?
- Is the tree a contributory item to a heritage place or conservation area?
- Would the proposed works adversely affect the heritage significance of a heritage item, Aboriginal object, Aboriginal places of heritage significance or heritage conservation area?
- Does the tree represent a typical planting of the era of the associated building or park's construction or creation?
- Does the tree contribute to an established streetscape?
- Does the tree have high aesthetic value?
- Does the tree provide privacy screening value?
- Is the tree an Indigenous or endemic species?
- Is the tree part of a remnant endemic collection of trees or vegetation?
- Does the tree have potential to provide a habitat for native fauna, including hollows or nests?
- Is the tree part of a threatened ecological community listed under the Biodiversity Conservation Act 2016 or mapped on the OEH Biodiversity Values Map? If yes, a 'Test of Significance' or assessment under the Biodiversity Offset Scheme (BOS) may be required.

Where a tree is identified as part of a threatened ecological community under the Biodiversity Conservation Act 2016, Section 5AA 1.7 of the Environmental Planning and Assessment Act 1979 applies and a "Test of Significance" must be prepared by a qualified ecologist and submitted to Council with the application.

Step 3: Consider sustainability and landscape significance together to determine the retention value.

- Trees will be categorised as having a high, medium, low or very low retention value.
- Trees with a high retention value or medium retention value should be considered for retention.
- Trees with a low retention value can usually be

removed, however their replacement may be a requirement of removal.

Neighbour's Trees

- o. If a neighbour's tree overhangs your property boundary, you may undertake pruning within your property boundary, provided it can be carried out in accordance with Australian Standard 4373 – 2007, 'Pruning of Amenity Trees' from within your property and you have obtained consent from Council prior to undertaking such works. A tree permit will be required for pruning works to prescribed trees on a neighbour's property.

Consent Duration

- p. Consent issued by Council shall lapse if the works referred to in the consent have not been completed within two (2) years from the date of consent.
- q. Consent issued by Council in conjunction with a subdivision approval, a building approval, complying development or development consent shall lapse if these approvals or consents lapse or become invalid, void or are surrendered.
- r. Consent for tree works associated with development may, if granted, be issued concurrently with the development application or complying development consent, but may also be subject to any landscaping and street scaping requirements or any conditions imposed under any relevant SEPP, LEP, DCP or other Council policy.
- s. A copy of the consent must be kept on the site of the tree works and produced on demand to Council's duly authorised officers, servants or agents.

Issues which do not usually warrant removal / pruning of trees

- A tree shedding leaves, fruit, bark, cones twigs or minor dead wood.
- A tree is causing minor structural damage, such as footpaths or driveways.
- There are unsubstantiated fears about healthy trees failing.
- A tree is causing minor shading.
- A tree is causing blockage to pipes, unless the damage is serious and recurring. Root pruning, replacement of old dilapidated pipes, or use of root barriers may solve the problem (evidence would need to be provided if the problem is serious).
- Pruning for amenity views.

- A tree that is dead or dying that provides habitat to native animals and is not posing a risk to human life or property.
- There are concerns about bush fire hazard, where the land is not within bush fire prone land as defined by Council's Bush Fire Prone Land Map (removal of trees or other vegetation for bush fire hazard reduction is governed by the Rural Fires Act 1997).

Publicly Owned Land

- t. The following provisions apply to applications for consent to prune or remove trees located on publicly owned land, including council parks, reserves and road reserves:
- City of Parramatta Council, or its duly authorised servants or agents, may carry out the pruning or removal of a tree/s including bushland vegetation from Council owned or controlled land.
 - All tree works conducted by Council will comply with relevant Australian Standards and specifications as determined by the Council policies. The cost of all non-essential tree works for trees located on public land will be the responsibility of the applicant. Council or an authorised agent will carry out any such approved works.
 - Where a Council Public Works project requires tree/s to be pruned or removed, consent must be sought at the planning stage in consultation with Council's Open Space and Natural Resources Unit.
- u. Public consultation on the removal of public trees will be undertaken in accordance with City of Parramatta Council's Public Tree Assessment and Procedural Guidelines.

Opportunity for Review

- v. Section 12.12 of ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP provides that an applicant for a permit may appeal to the Land and Environment Court against refusal by a council to grant the permit. Any such appeal is to be made within 3 months after the date on which the applicant is notified of the decision or within 3 months after the council is taken to have refused the application (whichever is the later).

Exempt Works

This section explains when approval from Council is not required to carry out tree works, including the removal or pruning of a tree.

Exempt Tree Works

The following are exempt works and do not require a permit:

w. Part A: Exemptions applying to land under care, control, management of Council:

1. Tree works on a tree on land owned or under the care, control and management of Council where the tree works are carried out by Council.

x. Part B: Exemptions applying to all land:

1. Removal of a dead tree in accordance with WorkCover NSW Code of Practice 'Amenity Tree Industry' – 1998 (except trees that are required as the habitat of native animals or are on land mapped as "Biodiversity" under Hornsby Local Environmental Plan (HLEP) Terrestrial Biodiversity Map or the Biodiversity Value Map published by the Office of Environment and Heritage).
2. Tree works carried out on a tree by State Emergency Service or Rural Fire Service in response to an emergency or severe natural event.
3. Tree works required under the provisions of Section 48 of the Electricity Supply Act 1995.
4. Tree works on any tree of a species that has been declared a weed in the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022 – Appendix 1 & 2, pursuant to Division 5 of the NSW Biosecurity Act 2015.
5. Trees that are required to be removed as part of a Section 66 Directive under the Rural Fires Act 1997 or the provisions provided under the 10/50 Vegetation Clearance Code of Practice for New South Wales.
6. Trees that are required to be removed by a Rural Fire Brigade because it poses or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bushfire.
7. Trees that have otherwise become dangerous from actions associated with hazard reduction burns undertaken in accordance with a Part V approval under the Environmental Planning and Assessment Act 1979, or a bushfire.
8. Trees that are required for immediate removal where this is essential for emergency access or emergency works by Council or the State Emergency Services.
9. Trees that are required for removal in accordance with Part 6 Division 4 section 46 of the Sydney Water Act 1994.
10. Trees required for removal in accordance with sections 88, 107, 138 and 139 of the Roads Act 1993.

y. Part C: Exemptions applying to all land, except for land/tree which:

- Is or is located on a site classified as being part of a threatened ecological community or provides or has the potential to provide habitat for native fauna or fauna classified as threatened under the Biodiversity Conservation Act 2016 or the Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth);
- Is or forms part of a heritage item or place;
- Is within a heritage conservation area;
- Is or forms part of an Aboriginal object;
- Is within an Aboriginal place of heritage significance;
- Is on public land;
- Is mapped as “Biodiversity” on the HLEP Terrestrial Biodiversity Map or the Biodiversity Value Map published by the Office of Environment and Heritage;
- Is required to be retained as part of a development consent.

Note: Works on land identified as “Biodiversity” on HLEP Terrestrial Biodiversity map should have regard to Section 1C.1.1 Biodiversity of Hornsby DCP. Works involving heritage items and heritage conservation areas should also have regard to Part 9 Heritage of Hornsby DCP.

1. Tree works on a tree where the trunk of the tree at ground level is within 3 metres of:
 - i. the outside enclosing wall of a legally constructed building; or
 - ii. the outside edge of the footings of a legally constructed carport; or
 - iii. the outside edge of the coping of a legally constructed in-ground swimming pool;

Note: this exemption does not apply to a tree on adjoining land. The tree and the dwelling house or other structure referred to above must be both on the same land for the exemption to apply.

2. The tree is of a species *Populus* spp. (Poplar), *Salix* spp. (Willow), *Cinnamomum camphora* (Camphor Laurel) and *Liquidambar styraciflua* (sweet gum), where the trunk of such tree is located within 5 metres of any sewer or:
 - i. the outside enclosing wall of a legally constructed building;
 - ii. the outside edge of the footings of a legally constructed carport; or
 - iii. the outside edge of the coping of a legally constructed in-ground swimming pool.

Note: This exemption does not apply to a tree on adjoining land. The tree and the dwelling house or other structure referred to

above must be on the same land for the exemption to apply.

3. Tree works on any tree on the following list:

Note: The trees listed below are identified by their botanical name (common names are provided as reference only). Cultivated varieties (cvs.) of the trees listed are not included for exemption except where specified.

Table 1B.7.1a Botanical and Common Names of Tree Species

Botanical name	Common Name
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia decurrens</i>	Green Wattle
<i>Acacia salignus</i>	W.A. / Golden Wreath Wattle
<i>Acer negundo</i>	Box Elder
<i>Albizia lophantha</i>	Crested Wattle / Persian Silk
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Cotoneaster pannosus</i>	Cotoneaster
<i>Eriobotrya japonica</i>	Loquats
<i>Erythrina</i> spp.	Coral Trees
<i>Ficus elastica</i>	Rubber Tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Lagunaria patersonia</i>	Norfolk Is. Hibiscus
<i>Ligustrum lucidum</i> & cvs	Large Leafed Privet
<i>Ligustrum sinense</i>	Small Leafed Privet
<i>Melia azedarach</i>	White Cedar
<i>Nerium oleander</i>	Oleander
<i>Olea europaea</i> var. <i>africana</i>	African Olive
<i>Populus alba</i>	White / Silver Poplar
<i>Populus deltoides</i>	White / Silver Poplar
<i>Populus nigra</i>	Black Poplar
<i>Populus nigra italica</i>	Lombardy Poplar
<i>Pyracantha angustifolia</i>	Firethorn
<i>Robinia pseudoacacia</i>	False Acacia / Black Locust
<i>Rhus toxicodendron</i>	Rhus / Sumac Tree
<i>Salix alba</i> ssp. <i>babylonica</i>	Weeping Willow
<i>Salix matusdana</i> ‘Tortuosa’	Tortured Willow
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schinus terebinthifolius</i>	Brazilian Mastic / Pepper Tree
<i>Syagrus romanzoffianum</i>	Cocos Island / Queen Palm
All edible fruit and nut trees except native species such as <i>Acmena</i> spp. (Lily Pilly), <i>Syzygium</i> spp. (Lily Pilly), <i>Elaeocarpus</i> spp. (Blueberry Ash) or <i>Macadamia</i> spp. (Macadamia Tree).	

Exempt Pruning Works

This clause only allows pruning of a tree if it is carried out in accordance with Australian Standard AS4373 – 2007, 'Pruning of Amenity Trees' and WorkCover NSW Code of Practice 'Amenity Tree Industry' – 1998.

z. These exemptions apply to all land:

- The removal of a dead branch from a tree.
- Selective pruning, being only pruning to remove branches no larger than 50mm diameter at the nearest branch collar to clear:
 - i. a roof; or
 - ii. an external face of a building;
- where branch encroachment is within 2m of such and where the owner of the land where the centre of the tree trunk originates provides written consent.
- Pruning of trees to remove branches no larger than 50mm diameter at the nearest branch collar to maintain distance clearances to power lines as set out under section 48 of the Electricity Supply Act 1995.
- Crown modification pruning of a hedge by no more than 20% of its height and/or width in any one year.
- Crown maintenance pruning of trees in accordance with sections 88, 107, 138 and 139 of the Roads Act 1993 and in accordance with AS4373 2007.
- Selective pruning of branches or foliage emanating over public land from privately owned trees where access is required to be restored or created by Council or the State Emergency Services.
- Selective pruning to remove any species of parasitic mistletoe or parasitic plant from any part of a tree.

1B.7.2 Vegetation Preservation – land in the City of Parramatta LGA

Prescribed Vegetation

- a. The prescribed vegetation to which Part 3 2.3 of ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP and the controls in this section apply include:
 - Bushland; and
 - Vegetation on heritage listed properties under the HLEP.
- b. To damage or remove any vegetation protected under this DCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part.

Penalties

- c. A person found guilty of an offence for a contravention of these controls may be issued a penalty infringement notice not exceeding \$3,000 for individuals, \$6,000 for companies and fined up to \$110,000 if dealt with in the Local Court or up to \$1,100,000 if dealt with in the Land and Environment Court.
- d. In addition to a penalty awarded, the Court may also order the repair, remedial pruning or replacement of a damaged or removed tree and impose an order to maintain such replacement to maturity.
- e. The Biodiversity Conservation Act 2016 also provides for additional penalties that may be imposed for offences relating to the harming or damaging of protected or threatened plants, animals and ecological communities. Maximum penalties include fines and imprisonment.

Opportunity for Review

- f. Section 12 2.12 of ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP provides that an applicant for a permit may appeal to the Land and Environment Court against refusal by a council to grant the permit. Any such appeal is to be made within 3 months after the date on which the applicant is notified of the decision or within 3 months after the council is taken to have refused the application (whichever is the later).

Exempt Vegetation Work

g. An application is not required for the following work to vegetation protected under Hornsby DCP:

- The clearing of vegetation (excluding trees) on a property once every 5 years in accordance with the maximum cumulative area in Table 1B.7.2a.

Table 1B.7.2a Exempt Vegetation Work

Land Zone Under HLEP	Maximum exempt vegetation removal
Prescribed Urban Areas (Zones R2, R3, R4, RU5, SP2, SP3, B1, B2, B3, B4, B5, B6, IN1 and IN2)	10m ²

- The clearing of vegetation where Council is satisfied that the vegetation is dying or dead and is not required as the habitat of native fauna.
- The clearing of vegetation where Council is satisfied the vegetation is a risk to human life or is causing or likely to cause substantial damage to property.

h. The exemptions in Table 1B.7.2a do not apply to:

- Land with a gradient in excess of 20 percent;
- Land containing marine vegetation;
- Land located within 20m of and including a watercourse;
- Land located within 50m of and including land identified as “Biodiversity” on the Terrestrial Biodiversity Map in HLEP;
- Land located within 50m of and including land that contains native vegetation which is habitat or potential habitat for species, populations or ecological communities listed in the Biodiversity Conservation Act 2016;
- Work that is contrary to a development consent that requires vegetation to be retained;
- All vegetation on heritage listed properties;
- Bushland within heritage conservation areas;
- Land if it results in the fragmentation or isolation of bushland;
- Land if it reduces effective vegetation buffers to adjoining Community Open Space or Private Open Space lands.
- Land that is identified on the Biodiversity Value Map as published by the Office of Environment and Heritage.

i. Notwithstanding the exemptions above, minor work to vegetation that is or forms part of a heritage item or heritage conservation area, requires approval from the Council pursuant to the provisions of Clause 5.10 of HLEP.

j. Any vegetation removed pursuant to the exempt provisions within this section should:

- Occur in areas deemed to be ancillary to an approved existing dwelling or structure;
- Be undertaken by hand (not heavy machinery); and
- Require replacement planting to stabilise the soil (where necessary) that is indigenous to the adjoining vegetation community present and not include species recognised as invasive to bushland.

Lodging a Permit for Vegetation Work

k. A permit is required to be completed and forwarded to Council for all work to protected vegetation where an exemption does not apply.

l. Where vegetation work is required as part of other works for which development consent is required, the works will be assessed as part of the development application.

Note: Under ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP, clearing of native vegetation above a certain threshold triggers an alternate approval pathway through the Native Vegetation Panel. More information on the Policy and the Native Vegetation Panel is available online at www.planning.nsw.gov.au/VegetationSEPP.

Consideration of an Application for Vegetation Work

m. The removal of, or work to, vegetation should be consistent with the applicable provisions of ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP and Hornsby DCP.

n. In determining if vegetation is significant, it will be assessed using an arboricultural, ecological and/or an Occupational Health and Safety based evaluation. Accordingly, any application for removal should demonstrate that the removal of vegetation should demonstrate that the removal of vegetation is appropriated based on an assessment of the:

- significance/health/longevity of the vegetation; and
- risk to human life or property.

1B.7.3 Definitions – applying to land within the City of Parramatta LGA

For the purposes of section 1B.7:

“**Aboriginal Object**” means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

“**Aboriginal Place of Heritage Significance**” means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition, that is:

- The site of one or more Aboriginal objects or a place that has physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the lands by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves; or
- A natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation ceremonial or storey places or area of more contemporary cultural significance.

Note: the term may include (but is not limited to) places that are declared under section 84 of the National Parks and Wildlife Act 1974 to be Aboriginal places for the purposes of that Act.

“**Bushland**” means land 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.

“**Contributory Item**” means a tree that makes a contribution to a heritage item or conservation area including streetscape and parkland trees. This contribution may be visual, aesthetic or functional (i.e. wind protection, provision of shade, shelter).

“**Damage**” means to impair the value or usefulness, or weaken the health or the normal function of a tree or vegetation.

“**Dangerous Tree**” means a tree that will inflict imminent liability or harm to a person's life or property.

“**Dead Tree**” means a tree that is no longer capable of performing any of the following processes:

- Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves).
- Osmosis (the ability of the roots system to take up water).
- Turgidity (the ability of the plant to hold moisture in its cells).

- Epicormics shoots (the production of new shoots as a response to stress, generated from buds under the bark or from a lignotuber – an underground stem).

Or is exhibiting any of the following symptoms:

- Permanent leaf loss in both deciduous and evergreen plants.
- Permanent wilting (loss of turgidity which is marked by drying of stems, leaves and roots).
- Shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood – new wood).

“**Destroy**” means any immediate or ongoing process or activity leading to the death of a tree.

“**Dying Tree**” means a tree that has entered senescence and is unable to be restored to a former health condition.

“**Hedge**” means a dense line or row of trees planted as a screen, fence line or boundary indicator.

“**Height**” means the distances measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

“**Heritage Conservation Area**” means an area of land of heritage significance shown on a heritage map and described in a heritage schedule in a Local Environmental Plan, and includes any heritage items situated on or within that area.

“**Heritage Item**” means a building, work, place, relic, tree, object or archaeological site the location and nature of which is identified in a Heritage Study and described in a heritage schedule in a Local Environmental Plan or the NSW State Heritage Register.

“**Imminent**” means a tree which is about to fall over, a tree which is heaving (moving at the base/ground level) or a large part of a tree which is broken and/or hanging about to fall and injure persons or property.

“**Injury**” and “**Wilful Destruction**” includes the administering of a chemical or artificial substance to a tree or part of a tree or, the alteration of ground level or water table which causes damage to the tree or any part of the tree including roots. This includes any physical injury especially by machinery on construction sites.

“**Legally Constructed**” means built in compliance with environmental and planning legislation and instruments in force within the City of Parramatta Council at the time of construction.

“**Lop**” or “**Lopping**” means cutting branches or stems between branch unions or internodes, with the final cut leaving a stub.

“**Marine vegetation**” means mangroves, seagrasses or any other species of plant that at any time in its life cycle must inhabit water (other than fresh water).”

“**Native vegetation**” has the same meaning as in ~~State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017~~ the Biodiversity and Conservation SEPP.”

“**Owner**” has the meaning ascribed to it in the Local Government Act 1993, No. 30.

“**Pruning**” means the removal of any stem/s back to the intersection of another stem/s to a swollen area of the intersection called the branch collar. This also means any act or acts of severing any part of a tree so as to cause reduction of the airspace occupied by the branches and foliage of a tree. All pruning is to conform to Australian Standard AS 4373 – 2007 ‘Pruning of Amenity Trees’.

“**Removal**” and “**Cutting Down**” means the cutting down or dismantling of a tree so that the tree, including its branches, foliage, trunk, stump and root system, will not regrow. This includes the poisoning of the stump and/or roots and/or removal or grinding out of its remains to prevent regrowth.

“**Top**” or “**Top Lopping**” means the reduction of the height of a tree through the practice of lopping.

“**Transplant**” or “**Transplanting**” is the removal of a tree that is excavated from its place of origin from within the ground and is relocated within the ground of the same property or reestablishment within the ground or a container within another property.

“**Tree**” long lived woody perennial plant greater than (or with the potential to grow to a height greater than) 5m in height with one or relatively few stems (Australian Standard AS4373-1996 “ Pruning of Amenity Trees”).

“**Urban Forest**” is the totality of trees and shrubs on all land around urban areas and is measured as a canopy cover percentage of the total urban area.

1C.1.3 Watercourses

Desired Outcomes

- a. Watercourses such as creeks and rivers are retained and enhanced to promote the improvement, and protection of the environment.
- b. Native riparian vegetation areas are retained and enhanced, and degraded riparian areas are rehabilitated

Prescriptive Measures

General

- a. Existing natural drainage lines and water bodies on a site should be utilised as part of the major drainage network rather than piping stormwater flows.
- b. All work should not cause bed and bank instability and any bank stabilisation measures should preferably use soft engineering techniques.
- c. Watercourses should be linked with other areas of indigenous vegetation, wildlife corridors and/or natural or visually important site features.
- d. Stormwater outlets proposed in the vicinity of a watercourse should:
 - point downstream for the final entry point of the structure,
 - be graded to the bed level of the stream, or just below any permanent water, and
 - be located to avoid existing native vegetation
- e. The environmental flow characteristics of down stream watercourses should be maintained.
- f. Watercourses should not be piped, filled, excavated, or relocated. In some instances, Council will permit these works to occur. In determining whether to retain or restore a watercourse, consideration should be given to the following:
 - the sustainability of actual or potential biodiversity and habitat,
 - the actual or potential ability of the watercourse to enhance water quality,
 - the actual or potential visual/aesthetic character of the watercourse,
 - the actual or potential recreational value of the watercourse,
 - the effect on the watercourse of the existing and likely future development in the catchment,
 - the effect on the catchment and existing development of any treatment to the watercourse,
 - the influence of previously altered sections on the watercourse,
 - the actual or potential influence of the watercourse on public health and safety, and
 - the mitigation of flooding and the hazard to property.

Riparian Areas

- g. The design and location of any development should seek to maintain an effective riparian area and comply with best practice guidelines, that may require:
 - A core riparian zone (CRZ) that is the land within and adjacent to the channel. The width of the CRZ from the banks of the stream is determined by assessing the importance and riparian function of the watercourse, and
 - A vegetated buffer (VB) that protects the environmental integrity of the CRZ, with a minimum width of 10 metres.
- h. In addition, development should comply with any applicable Foreshore Building Line as prescribed by Clause 6.4 6.5 of the HLEP
- i. The riparian area should be fully vegetated with local native vegetation (trees, shrubs and groundcover species) at a density that would occur naturally. Species should be consistent with the existing native species present and Council's Riparian Species List.
- j. A permanent physical barrier should be placed at the landward extent of the riparian area to prevent inadvertent damage to riparian vegetation where vehicle access to the riparian land, or mowing or slashing of vegetation may otherwise occur.
- k. Any Bushfire Asset Protection Zone (APZ) should be measured from the asset to the outer edge of the vegetated buffer (VB). The APZ should contain managed land which should not be part of the CRZ or VB.

Notes:

A **watercourse** includes a 'river' as defined in accordance with the *Water Management Act 2000*.

A **riparian area** is a zone of vegetation in and around the banks of a watercourse, lake or estuary. This vegetation stabilises the banks and river bed and acts as a buffer restricting exotic species from entering the river. This is an essential element in retaining good water quality within a catchment area.

For further information refer to the NSW Department of Water *Guidelines for Riparian Corridors on Waterfront Land* available at www.water.nsw.gov.au.

Development within 40 metres of a watercourse may require a licence under the *Water Management Act, 2000*.

For further information on planting in a riparian zone refer to Council's Riparian Species List available at website hornsby.nsw.gov.au.

1C.1.4 Earthworks and Slope

HLEP Clause 6.2 contains provisions for earthworks. The following DCP controls supplement the HLEP provisions.

Separate DCP controls for *Extractive Industries* are provided in Section 2.5 of the DCP.

Desired Outcomes

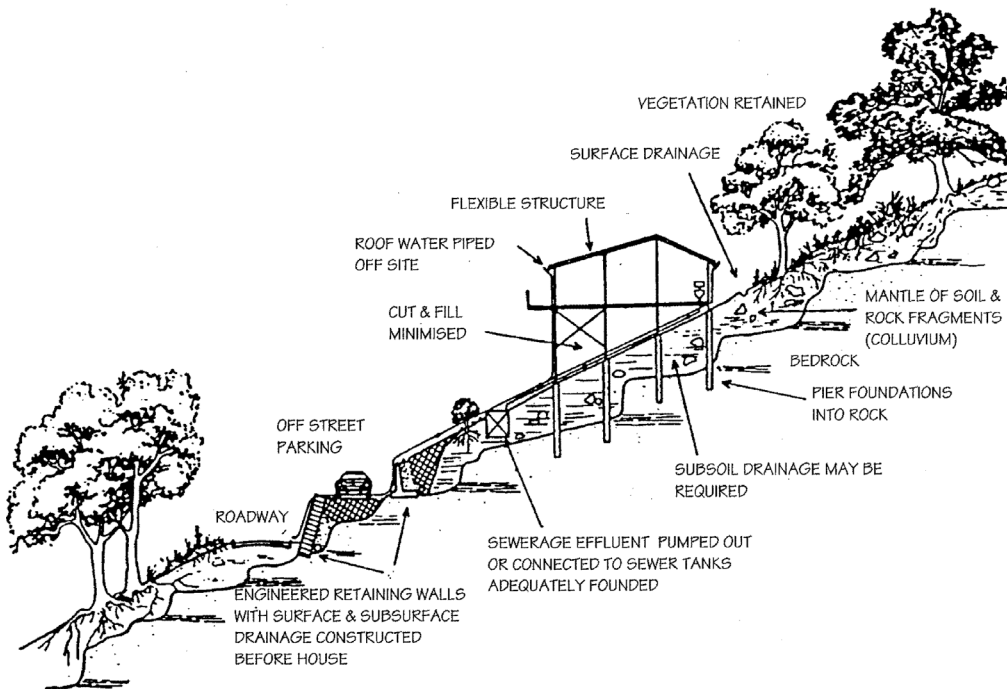
- a. Development that is designed to respect the natural landform characteristics and protects the stability of land.
- b. Development that limits landform modification to maintain the amenity of adjoining properties and streetscape character.
- c. Earthworks below Mean High Water Mark (MHWM) that avoids, minimises and mitigates the potential for significant environmental harm.

Prescriptive Measures

Development Above MHWM

- a. Development should be sited on the area of land presenting the least topographic constraints and away from ridge lines.
- b. Earthworks involving filling should not exceed 1 metre in height from the existing ground level.
- c. Excavation that extends outside of the building platform should be limited to a depth of 1 metre from the existing ground level, unless the excavation is required to:
 - achieve a high quality built form, or
 - provide for safe vehicular access to the site, and
 - it maintains the amenity of adjoining properties and the desired streetscape character.
- d. Filling or excavation should not occur on or adjacent to, or have adverse impacts on sensitive environments, such as watercourses*, riparian land, wetlands, bushland, or significant vegetation.
- e. Sloping sites with a gradient in excess of 20% require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design.

EXAMPLES OF GOOD HILLSIDE PRACTICE



EXAMPLES OF POOR HILLSIDE PRACTICE

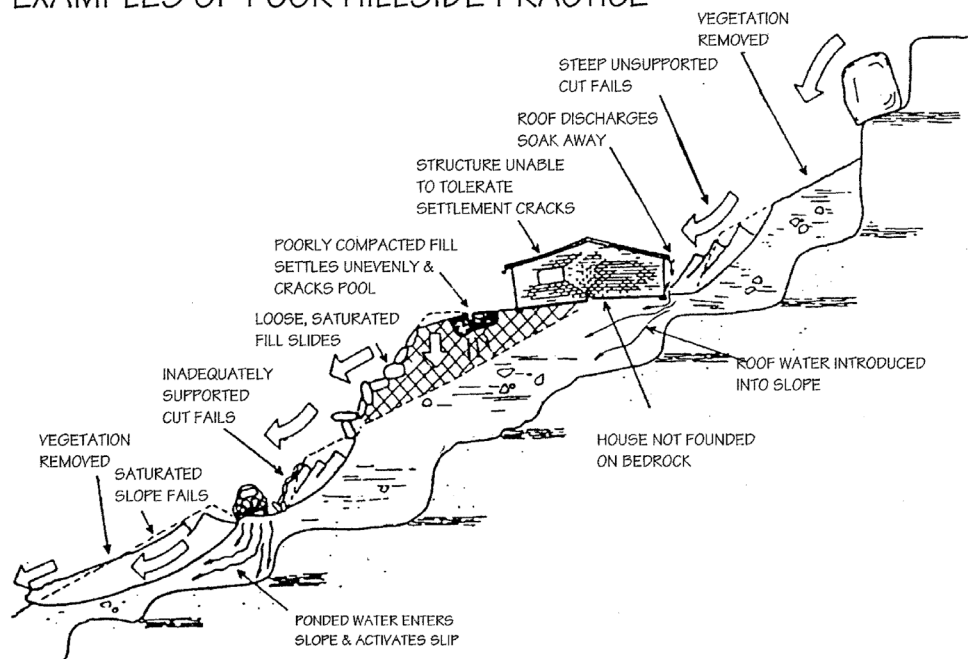


Figure 1C.1.4(a)

Development should be sited and designed to minimise disturbance of land with topographic and geotechnical constraints. (I)

Earthworks Below MHW

- f. Applications for earthworks below MHW (i.e. dredging or reclamation) should submit adequate environmental documentation that demonstrates there is no significant environmental harm.
- g. A Statement of Environmental Effects for the dredging or reclamation of land should (at a minimum) address impact on total catchment management, environmentally sensitive areas, water quality, water quantity, cultural heritage, flora and fauna, riverine scenic quality, agriculture/aquaculture and fishing, rural/residential development, urban development, recreation and tourism, the Metropolitan Strategy and more specifically the following matters for consideration:
 - the effect of extraction or reclamation on river dynamics, instream structures and, in particular, the effect on water clarity and turbidity, water velocity, river enlargement and light penetration,
 - the desirability of maintaining river shallows to protect and support the aquatic habitat,
 - the likely effect of extraction or reclamation on recreational opportunities available in the region,
 - the advantages of using cutter-suction methods as against drag-line methods in carrying out the extraction,
 - the likely effect of the proposed development on riparian and aquatic plant colonisation and, in particular, the desirability of:
 - confining extractive or reclamation operations to small sections of the waterways which do not contain those colonies, and
 - not permitting extractive or reclamation operations in large sections of those rivers, and
 - re-establishing riparian and aquatic plants if destroyed by the development,
 - the need to protect fish breeding grounds, commercial and recreational fishing areas and oyster farming,
 - whether the proposed development is appropriate to mitigate the problem necessitating the development without creating a similar problem elsewhere in the river,
 - any alternative means of undertaking the works which would reduce the need for extraction or reclamation,
 - the necessity to permanently remove materials from those rivers rather than relocating them within those rivers, especially for the purpose of rehabilitating areas of former extractive operations,
 - the potential for dredging to bring to the surface pollutants or anoxic sediment that may result in the formation of acid sulphate soils,
 - whether, in the circumstances, sufficient understanding exists of the likely impact of the works on the river,
 - any representations made by a public authority.
- h. The Statement of Environmental Effects for reclamation or dredging of land should contain a level of detail commensurate with an Environmental Impact Statement and demonstrate community benefit where the:
 - total material volume proposed to be extracted is 10,000 cubic metres or greater, or
 - proposed earthworks operation is located within 40 metres of the **E1 C1** National Parks and Nature Reserves zone, **E2 C2** Environmental Conservation zone or priority oyster aquaculture areas identified by the NSW Oyster Industry Sustainable Aquaculture Strategy.

Notes:

* Refer to Council's Water Sensitive Urban Design (WSUD) Guidelines (2015) for information on how to prepare an Erosion and Sediment Control Plan for developments <1500m².

MHW means mean high water mark

Clause 6.2(2) of the *HLEP* prescribes that development consent is required for earthworks, unless the earthworks are *exempt development* or ancillary to development that is permitted without consent or development for which development consent has been given. Notwithstanding, pursuant to **Clause 11(7) of SREP No.20 Section 9.9(7) of the Biodiversity and Conservation SEPP**, development consent is also required for earthworks that involves filling in excess of 1 metre in depth or an area of 100m².

Clause 6.6(3) of the *HLEP* provides additional matters for consideration when assessing proposals for earthworks.

Compaction of filled areas should be undertaken in accordance with relevant Australian Standards, including AS 1289 and AS 3798.

1C.2 Built Environment

The following section provides general controls for the protection of the built environment and applies to all forms of development. -

1C.2.1 Transport and Parking

Desired Outcomes

- a. Development that manages transport demand around transit nodes to encourage public transport usage.
- b. Car parking and bicycle facilities that meet the requirements of future occupants and their visitors.
- c. Development with simple, safe and direct vehicular access.

Prescriptive Measures

General

- a. Direct vehicular access to main roads should be avoided and/or access points consolidated.
- b. For development (other than single dwelling houses on existing lots), vehicle access and parking should be designed to allow vehicles to enter and exit the site in a forward direction.
- c. Design and dimensions of car parks, loading areas and driveways should comply with AS2890.1 and AS2890.2.
- d. Planning and design layout of parking areas for people with disabilities should be in accordance with AS2890.6 and AS1428.1.
- e. Planning and design layout of loading and manoeuvring areas should be provided in accordance with AS2890.2 and:
 - preferably be located to the side or rear of buildings,
 - screened from view from local and main roads, and
 - located so that vehicles do not stand on any public road, footway, laneway or service road.
- f. Planning and design layout of bicycle parking (rails, racks or lockers) should be designed in accordance with AS2890.3.

Dwelling Houses (additional general controls)

- g. The driveway to a single dwelling house should be located at least 6 metres from an intersection in accordance with AS2890.1.
- h. Driveways for single dwelling houses on existing lots should incorporate a dedicated turning area, designed to allow the 85% Design Car Turning Path, where:
 - there is poor sight distance from the driveway to pedestrian or vehicular traffic,
 - the accessway fronts a main road or highly pedestrianised area, or
 - where vehicles would otherwise have to reverse more than 50 metres.

- i. The minimum dimensions of car parking spaces for single dwelling houses should be in accordance with AS2890.1, as summarised in Table 1C.2.1(a):

Table 1C.2.1(a) Dwelling House - Parking Design Guide

Parking Type (residential)	Minimum Dimensions
Unobstructed parking space	2.4m(w) x 5.4m(l)
Single lock-up garage	3m(w) x 5.4m(l)
Double lock-up garage	5.7m(w) x 5.4m(l)

- j. The maximum grade for a driveway to a single dwelling house should be no greater than 25% with a maximum transition for changes of grade of 8% per plan metre. Table 1C.2.1(b) may be used as a guide in designing driveways.

Notes:

Main roads

Development adjoining roads that are subject to ~~Clause 101-(2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

Designated roads

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

A **highly pedestrianised area** includes sites located in close proximity to schools, shopping centres, bus stops, places of worship and other busy community facilities.

Australian Standard AS2890 is available at www.sai-global.com.

** Design levels at the top of the adjacent kerb and gutter/crown or road must be obtained from Council's Works Division and the driveway design amended to comply with AS2890.1.

Table 1C.2.1(b) Dwelling House - Driveway Design Guide

Distance of parking area from the Front Boundary (Property higher than road)	Level of the parking area above the top of adjacent road* (Property higher than road)	Level of the parking area below the top of adjacent road * (Property lower than road)
5.5m	1.067m	0.567m
6.0m	1.192m	0.692m
7.0m	1.442m	0.942m
8.0m	1.692m	1.192m
9.0m	1.942m	1.442m
10.0m	2.192	1.692m
11.0m	2.442	1.942
12.0m	2.692	2.192m

Service Vehicles

- k. On site loading and unloading areas for non-residential developments should be provided in accordance with the RTA Guide to Traffic Generating Development (2002).
- l. The on site loading and unloading area in a non residential development should incorporate provision for 1 car space and 1 motor cycle space for use by couriers, sited in a convenient location. Larger developments may require more.
- m. On site pick up and manoeuvring areas for waste collection vehicles should be provided in accordance with the waste collection provisions at Section 1C.2.3 of the DCP.
- n. On site parking for a removalist vehicle should be provided for a residential development with more than 20 dwellings that adjoins a public road where kerb side parking for removalist vehicles is difficult or restricted. Parking for a removalist vehicle should be designed to accommodate at least a small rigid vehicle (SRV), and preferably a medium rigid vehicle (MRV) as defined by AS2890.2.

Notes:

The RTA Guide to Traffic Generating Development (2002) is available at www.rms.nsw.gov.au. For servicing rates refer to Table 5.1 (page 5-3)

Car parking

- o. Car parking should be provided on site in accordance with the minimum parking rates in Tables 1C.2.1(c d) and 1C.2.1(e). Parking spaces are for cars, unless otherwise specified. ~~The minimum parking rates in Table 1C.2.1(e) should apply for development within Epping Town Centre Core. Where the land use is not specified in Table 1C.2.1(e), the relevant rate in Table 1C.2.1(d) will apply.~~
- p. ~~The parking rate for sites located within the Epping Town Centre Core referred to in Table 1C.2.1(d) and paragraphs 1C.2.1(y)-(ak) refers to residential, educational and business development sites that fall within those areas identified as "Town Centre Core" on Figure 4.6(a) in Part 4 - Business. Where a development site falls partly within the Epping Town Centre Core, the parking rate for the Town Centre Core is to apply to the whole development.~~
- q. The car parking rate for sites less than (<) 800 metres from a railway station in Table 1C.2.1(c d) is a radial distance from the main pedestrian entry. Where a development site falls partly within the 800 metre radius, the parking rate for "sites <800m" is to apply to the whole development.
- q. A Car Parking Demand Assessment should be provided for:
- any significant variation proposed to the minimum parking rates prescribed in Table 1C.2.1(c d),
 - land uses not specified in Table 1C.2.1(c d), or
 - intensive traffic generating developments.
- r. Before granting approval to depart from on-site parking rates specified in Table 1C.2.1(c d), Council will consider the Car Parking Demand Assessment and any other relevant planning consideration.
- s. A Car Parking Demand Assessment should address at minimum the following matters:
- any relevant parking policy,
 - the availability of alternative car parking in the locality of the land, including:
 - efficiencies gained from the consolidation of shared car parking spaces on the same site,
 - public car parks intended to serve the land,
 - extent of existing on-street parking in non residential zones,

- extent of existing on-street parking in residential zones,
- the practicality of providing car parking on the site, particularly for constrained development sites,
- any car parking deficiency associated with the existing use of the site,
- local traffic management in the locality of the site,
- the impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas,
- the need to create safe, functional and attractive parking areas,
- access to or provision of alternative transport modes to and from the land, and,
- the character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

t u. The minimum number of car parking spaces is to be rounded up to the nearest whole number if it is not a whole number.

u v. Stacked parking spaces may be provided if reserved for use by a particular dwelling, commercial unit or the like.

v w. Shade trees should be provided in open parking areas at the ratio of 1 shade tree for every 6 spaces.

Note:

Where a Car Parking Demand Assessment or a Parking Study is required, a report should be prepared by a suitably qualified traffic and transport consultant.

Motor Cycle Parking (excluding Epping Town Centre Core)

w x. In all buildings that provide on site parking

- 1 space suitable for motor cycles should be provided per 50 car parking spaces, or part thereof.
- motorcycle parking should be available as part of the common property for use by residents and visitors.

Motor Cycle Parking (Epping Town Centre Core)

y. Motorcycle parking should be available as part of the common property for use by residents and visitors and should be provided in accordance with Table 1C.2.1(c)

Table: 1C.2.1(c) Motor Cycle Parking (Epping Town Centre Core)

Building Type	Motor Cycle Parking
On-site car parking with less than 25 parking spaces	1 space (minimum)
On-site car parking with more than 25 parking spaces	4 spaces (area equal to a minimum of one car parking space)

Notes:

The Motor Cycle Parking is in addition to the car parking required in Tables 1C.2.1(c d) and 1C.2.1(e) for tenants and/or visitors (not service vehicles which are separately addressed).

Motor Cycle Parking is not required for dwelling houses.

Table: 1C.2.1(c d) On Site Car Parking Rates (Excluding Development Listed in Table 1C.2.1(e) in the Epping Town Centre Core)
–relevant extracts only

Type of Development	Car Parking Requirement	
	Sites < 800m from Railway Station	Sites > 800m from Railway Station
Residential Accommodation		
Dwelling Houses 0-2 Bedrooms 3 or more Bedrooms		
	1 space/ dwelling 2 spaces/ dwelling	
Secondary Dwellings (see Note*) 0-2 Bedrooms 3 or more Bedrooms	1 space/ dwelling 2 spaces/ dwelling	1 space/ dwelling 2 spaces/ dwelling
Attached Dual Occupancy 0-2 Bedrooms 3 or more Bedrooms		1 space/ dwelling 2 spaces/ dwelling
Medium and High Density Dwellings in Hornsby LGA (including Universal Design Housing**) 0-1 Bedroom 2 Bedrooms 3 or more Bedrooms Visitors (see Note***)	0.75 space/ dwelling 1 space/ dwelling 1.5 spaces/ dwelling 1 space per 7 dwellings	1 space/ dwelling 1.25 spaces/ dwelling 2 spaces/ dwelling 1 space per 5 dwellings
Seniors Housing	per SEPP (Housing for Seniors or People with a Disability) 2004	
Tourist and Visitor Accommodation (see Note**)		
Bed & Breakfast Accommodation, Farmstay Accommodation	1 space/guest bedroom + 2 spaces for the permanent residents	
Short Term Rental Accommodation (Holiday lets)	Apply residential accommodation rates above	
Hotel or Motel accommodation	1 space/room + 1 space per 2 employees	
Caravan Parks	1 space/van, cabin or tent site	
Commercial Premises		
Business or Office Premises	1/48m ² GFA	1/40m ² GFA
Shops	1/29m ² GLFA	1/20m ² GLFA
Bulky Goods Premises	1/75m ² GLFA, including space for cars with trailers	1/50m ² GLFA, including space for cars with trailers
Restaurants or Cafes (ex drive-through take-away restaurants)	1/29m ² GLFA	15/100m ² GFA + 15/100 m ² of outdoor seating area
Vehicle Sales or Hire Premises	1/150m ² site area + 6 spaces/work bay	
Markets	2 spaces per stall (customers only)	
Marina	0.6 spaces/ berth	

Table: 1C.2.1(c d) On Site Car Parking Rates ~~(Excluding Development Listed in Table 1C.2.1(e) in the Epping Town Centre Core) – relevant extracts only~~

Type of Development	Car Parking Requirement	
	Sites < 800m from Railway Station	Sites > 800m from Railway Station
Industrial Uses and Areas		
Industry and Warehouse or Distribution Centres (max 20% ancillary office floor area, Note****)	1/150m ² GLFA	1/100m ² GLFA
Vehicle Repair Station and Vehicle Body Repair Workshops	1/150m ² GFA + 6 spaces/work bay	
Sex Services Premises	1 space/ workroom + 1 space per 2 employees	
Agriculture		
Intensive Plant Agriculture	1 space/ employee	
Plant Nursery	0.5 spaces per 100m ² of that part of the site used in conjunction with the nursery + parking for any ancillary uses per rates in this table	
Education		
Child Care Centre	1 space per 4 children	
Educational Establishments	1 space per full time teacher + 1 space per 2 students of driving age	
Health Care		
Health Consulting Rooms	3 per surgery	
Medical Centres	4 per surgery	
Halls, meeting places		
Community Halls	1 space per 5 seats min (subject to parking study)	
Places of Public Worship	1 space per 5 seats min (subject to parking study)	
Entertainment Facility	1 space per 5 seats min (subject to parking study)	
Temporary Community Events	Markets to provide 2 spaces per stall (customers only) available on site or in the immediate locality. Other events subject to a parking study	
Other Uses	as per RTA Guide to Traffic Generating Development or a Parking Study	

Table: 1C.2.1(e) On Site Car Parking Rates (Epping Town Centre Core)

Type of Development	Car Parking Requirement
Residential Accommodation	
Residential flat buildings on land within 800 metres of Epping town centre (including Universal Design Housing)**	
Studio	Maximum 0.4 space/dwelling
1 Bedroom	Maximum 0.4 spaces/dwelling
2 Bedrooms	Maximum 0.7 spaces/dwelling
3 or more Bedrooms	Maximum 1.2 spaces/dwelling
Visitors (see Note***)	Minimum of 1 space per 7 dwellings
Commercial Premises/Health Care on land within 800 metres of Epping railway station	
Business or Office Premises	Maximum of 1/50m ² of GFA
Shops	Maximum of 1/30m ² , GLFA
Restaurants or Cafes (ex drive through take-away restaurants)	Maximum of 1/30m ² , GLFA
Accessible Parking	Minimum of 1-2% of all spaces to be provided as readily accessible spaces, appropriately designed for use by people with disabilities.
Health Consulting Rooms/Medical Centres	Maximum of 1/50m ² of GFA
Other Uses	as per Table 1C.2.1(c)
<p>A condition of consent will be imposed by the consent authority requiring the following restrictions to be placed on the property title prior to the issue of the Occupation Certificate:</p> <ul style="list-style-type: none"> Apartment owners and tenants are excluded from participating in any future Council residential parking permit scheme; and Car share car spaces cannot be reallocated as parking spaces for residents or as visitor parking. 	

Notes:

*To ensure secondary dwellings do not have an oversized garage area and have the potential to covertly evolve into a larger dwelling that does not comply with the maximum secondary dwelling size in the HLEP, a maximum of 2 car spaces/dwelling is permitted.

** All car parking spaces including Universal Design Housing should be in accordance with AS 2890.1

***Visitor parking for medium/high residential development is required for development proposals comprising more than 5 dwellings. On-site parking for visitor accommodation applies to areas accessible by road only.

****Parking requirements for Industrial Units is increased when ancillary retailing is permitted, or an ancillary office space component is in excess of 20% of the floor area.

Gross Floor Area is as defined by the HLEP.

Gross leasable floor area means the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts corridors and other public areas but including stock storage areas.

Carshare

z. Parking carshare spaces are encouraged for:

- any residential development containing more than 25 residential units, or
- any employment generating development with a floor space of 5,000m², and
- is located within 800 metre radial catchment of a railway station, or within a transit node centre that is serviced by a strategic bus corridor.

A car share parking proposal should be:

aa. supported by a parking study to be submitted with the Development Application.

Car share (~~Epping Town Centre Core and Hornsby West Side~~)

ab. A minimum of 1 space is to be allocated to car share for developments with 50 or more dwellings. If agreement with a car share provider is not obtained then the car share space is to be used for additional visitor parking until such time as a car share provider is obtained.

ac. For developments which comprise 50 or more dwellings, Council may consider car share spaces in lieu of some resident parking, subject to evidence of an appropriate arrangement with a car share scheme provider.

Storage Areas within Car Parking Areas

ad. Where storage space is provided adjacent to car parking areas or within designated car parking spaces, it should not impede or reduce the area allocated for car parking requirements as set out in the AS 2890 Parking Facilities series, including parking for bicycles and motor cycles.

Notes:

Car share is a self service car rental scheme for short periods of time, typically on an hourly basis. Car sharing works best in locations where there is a good level of public transport provision and access to local services and facilities by walking and cycling (eg. commercial centres inside transit nodes).

Employment generating development comprises office premises and industries.

A transit node centre serviced by a strategic bus corridor comprises land within ~~a 600m radial catchment of the Carlingford commercial centre or~~ a 400m radial catchment of the West Pennant Hills commercial centre.

For further information on Council's carshare parking policy refer to the Policy available for view at Council's website hornsby.nsw.gov.au.

Parking for people with disabilities

ae. Car parking for people with disabilities should be provided on-site in accordance with the parking rates in Table 1C.2.1(**d f**):

Table: 1C.2.1(**d f**) Accessible Car Parking Provision

Land uses	Minimum Number of Accessible Spaces
Commercial Premises	1-2% of spaces
Passenger Transport Facility e.g. railway stations, bus/ rail interchanges	1-3% of spaces
Community and Recreation Facilities eg. civic centres and gymnasiums	2-3% of spaces
Educational Establishments	2-3% of spaces
Entertainment Facilities eg. theatres, libraries, sport centres	3-4% of spaces
Health Service Facilities eg. medical centres, clinics, community health centre	3-4% of spaces (See Note ¹)
Places of Public Worship	See Note ¹
Medium and High Density Residential Development	1 for each Adaptable Design unit as per AS 2890.6

Notes:

The percentages in Table 1C.2.1(**d e**) refers to the total number of car parking spaces required in Table 1C.2.1(c).

Note ¹ To be provided as needed in consultation with management of the premises.

Bicycle parking and associated facilities

ad af. Bicycle parking and facilities should be provided on site in accordance with the minimum rates in Table 1C.2.1 (e g).

ae ag. Secure and safe bicycle parking should be separated from motor vehicles.

Table: 1C.2.1(e g) On site bicycle parking and facilities

Type of Development	Minimum Bicycle Parking Requirement
Medium and High Density Residential Development	1 space per 5 units for residents to be located in a safe, secure and undercover area. 1 space per 10 units for visitors
Commercial Premises (over 1200m ² GFA)	1 space per 600m ² (GFA) for staff+ Developments with a gross floor area over 2500m ² should provide end of destination facilities for staff in the form of at least 1 shower cubicle with ancillary change rooms
Industrial Developments (over 2000m ² GFA)	1 space per 1000m ² (GFA) for staff + Developments with a gross floor area over 4000m ² should provide end of destination facilities for staff in the form of at least 1 shower cubicle with ancillary change rooms
Educational Establishments	1 rack per 20 full-time staff or part thereof, and 5 racks per class (between grades 5 and 12), and lockers for staff at a rate of 1 per 3 staff bicycle racks or part thereof, and end of destination facilities for staff in the form of at least 1 shower cubicle with ancillary change rooms for every 10 bicycle racks required.

Note:

The above rates are based on a rate of 1 bicycle rack/locker per 20 employees, using an average commercial employee ratio of 1 employee per 30m² and an industrial rate of 1 employee per 50m².

Bicycle Parking (Epping Town Centre Core)

ah. Bicycle parking for medium and high density development (including mixed use and shop top component) should be provided at the following rate:

- secure resident bicycle parking at a minimum rate of 1 space per dwelling, and
- secure visitor bicycle parking at a minimum rate of 1 space per 10 dwellings.

ai. Secure bicycle spaces for residents can be provided individually (per dwelling) or collectively for the use of all residents within a designated area. Bicycle parking and access should ensure that potential conflict with vehicles are minimised.

aj. Visitor bicycle parking should be provided close to the street entrance of a residential or mixed use development in accordance with Safer by Design principles and be appropriately designated. Bicycle parking and access should ensure that potential conflict with vehicles is minimised. Council's consent will be required where visitor bicycle spaces are proposed on Council's footpath.

Access Network

af. ak. For large scale development that is 10 storeys or more:

- A Framework Travel Plan should accompany any development application; and
- A Final Travel Plan should be provided to Council prior to the issue of an Occupation Certificate.

Notes:

A Framework Travel Plan is a design tool to promote efficient and sustainable modes of transport in building and site planning. The Framework Travel Plan is required where the future tenants are unknown.

A Final Travel Plan is a management tool that promotes the implementation and monitoring of a coordinated transport strategy to influence the travel behaviour of employers, employees, residents and visitors towards public transport, walking, cycling, car pooling and car sharing.

For residential flat buildings within 800 metres of Epping railway station, a condition of consent will be imposed by the consent authority requiring a Travel Plan to be provided to the satisfaction of the City of Parramatta Council prior to the issue of the Construction Certificate. A Travel Plan is a package of measures designed to reduce car trips and encourage the use of sustainable transport. It must include, at the minimum:

- Analysis on the existing policy context;
- Analysis on the existing transport conditions;
- Objectives and targets;
- Methods for encouraging modal shift which is to include at the minimum:

- ~~Strategies: these focus on managing car use, promoting public transport, cycling and walking and other mechanisms, for example, a Transport Access Guide.~~
- ~~Actions: this spells out the modal shift mechanisms, for example, reduced car parking rates, car sharing, car pooling and sales of car parking spaces.~~
- ~~Targeted audience: this describes the audience at which the Strategies and Actions are targeted at, for example, residents, visitors, employees and business owners.~~
- ~~Timeline: an indication of when the action is delivered, for example, prior to or upon occupation, on-going, etc.~~
- ~~Responsibility: this outlines the responsible body, for example, the proponent, Council, Building Manager, Residents, Travel Plan Coordinator, etc.~~

e. ~~Management and Monitoring of the Travel Plan.~~

~~Bicycle parking should be designed in accordance with AS 2890.3 Parking Facilities — Bicycle Parking Facilities.~~

~~Accessible parking is to be designed in accordance with the requirements of relevant Australian Standards.~~

a1. ~~End-of-trip facilities~~

~~For development that is within 800 metres of Epping railway station and includes 300 m² of commercial floor space, end-of-trip facilities including showers and lockers must be provided to adequately service the number of bicycle parking spaces required for the commercial floor space.~~

1C.2.1 Transport and Parking within City of Parramatta LGA

Desired Outcomes

- a. Development that manages transport demand around transit nodes to encourage public transport usage.
- b. Car parking and bicycle facilities that meet the requirements of future occupants and their visitors.
- c. Development with simple, safe and direct vehicular access.

Prescriptive Measures

General

- a. Direct vehicular access to main roads should be avoided and/or access points consolidated.
- b. For development (other than single dwelling houses on existing lots), vehicle access and parking should be designed to allow vehicles to enter and exit the site in a forward direction.
- c. Design and dimensions of car parks, loading areas and driveways should comply with AS2890.1 and AS2890.2.
- d. Planning and design layout of parking areas for people with disabilities should be in accordance with AS2890.6 and AS1428.1.
- e. Planning and design layout of loading and manoeuvring areas should be provided in accordance with AS2890.2 and:
 - preferably be located to the side or rear of buildings,
 - screened from view from local and main roads, and
 - located so that vehicles do not stand on any public road, footway, laneway or service road.
- f. Planning and design layout of bicycle parking (rails, racks or lockers) should be designed in accordance with AS2890.3.

Dwelling Houses (additional general controls)

- g. The driveway to a single dwelling house should be located at least 6 metres from an intersection in accordance with AS2890.1.
- h. Driveways for single dwelling houses on existing lots should incorporate a dedicated turning area, designed to allow the 85% Design Car Turning Path, where:
 - there is poor sight distance from the driveway to pedestrian or vehicular traffic,
 - the accessway fronts a main road or highly

pedestrianised area, or

- where vehicles would otherwise have to reverse more than 50 metres.
- i. The minimum dimensions of car parking spaces for single dwelling houses should be in accordance with AS2890.1, as summarised in Table 1C.2.1(a):

Table 1C.2.1(a) Dwelling House - Parking Design Guide

Parking Type (residential)	Minimum Dimensions
Unobstructed parking space	2.4m(w) x 5.4m(l)
Single lock-up garage	3m(w) x 5.4m(l)
Double lock-up garage	5.7m(w) x 5.4m(l)

- j. The maximum grade for a driveway to a single dwelling house should be no greater than 25% with a maximum transition for changes of grade of 8% per plan metre. Table 1C.2.1(b) may be used as a guide in designing driveways.

Notes:

Main roads

Development adjoining roads that are subject to ~~Clause 101-(2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

Designated roads

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

A highly pedestrianised area includes sites located in close proximity to schools, shopping centres, bus stops, places of worship and other busy community facilities.

Australian Standard AS2890 is available at www.sai-global.com.

**** Design levels at the top of the adjacent kerb and gutter/crown or road must be obtained from Council's Works Division and the driveway design amended to comply with AS2890.1.**

1C.2.2 Accessible Design

Desired Outcomes

- a. Publicly accessible buildings that provide a safe and continuous path of travel for people with impaired mobility.
- b. Residential development that includes adaptable units and accessible residential accommodation to address potential demand.

Prescriptive Measures

General

- a. All new building work should comply with the accessibility provisions of the *Building Code of Australia (BCA)* and the *Disability (Access to Premises - Buildings) Standards 2010* where required.
- b. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and setdown areas to public building entrances. Paths of travel should be designed in accordance with the *Disability (Access to Premises - Buildings) Standards 2010*.
- c. Accessways for pedestrians and for vehicles are to be separated.

Seniors Housing

- d. Access is to be provided in accordance with the requirements of ~~SEPP (Housing for Seniors or People with a Disability) 2004~~ the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

Heritage Buildings

- e. Access to heritage buildings should be provided that is sympathetic to the heritage significance of the building and its curtilage.

Medium and High Density Residential Developments

- f. For developments with 10 or more dwellings:
 - At least 10% of proposed dwellings should be Adaptable Housing, designed to meet the needs of residents as they age.
 - At least 20% of proposed dwellings should be Universal Design housing in accordance with the Livable Housing Guidelines (2012) silver level design features.
 - Adaptable Housing and Universal Design Housing should be equitably distributed through all types and sizes of dwellings.

Notes:

For further information refer to the Disability (Access to Premises - Buildings) Standards 2010 available at www.ag.gov.au.

An access report, prepared by a relevantly qualified access consultant may be required for development that involves the following:

- Medium to high density residential developments with 10 or more dwellings, or
- Housing for Aged or People with Disabilities, or
- Other developments that are required to comply with the Disability (Access to Premises - Buildings) Standards 2010.

Adaptable Housing is defined by Australian Standard AS 4299, which is specifically designed to allow for the future adaptation of a dwelling to accommodate the occupant's needs.

For car parking requirements for Adaptable Housing refer to Table 1C.2.1(f) Accessible Car Parking Provision

Universal Design is an international design philosophy that enables people to continue living in the same home by ensuring that apartments are able to change with the needs of occupant's.

Universally designed apartments provide design features such as wider circulation spaces, larger car parking spaces, reinforced bathroom walls and easy to reach and operate fixtures in accordance with the Livable Housing Guidelines (2012) available online at livablehousingaustralia.org.au

1C.2.4 Effluent Disposal

Desired Outcomes

- a. Sewage is disposed of in a manner that minimises impacts on the natural and built environment and public health.

Prescriptive Measures

- a. Areas that are not serviced by the Sydney Water reticulated sewerage system are required to dispose of wastewater using a NSW Health Department accredited Sewage Management Facility.
- b. An on site sewage management plan should be provided for applications involving new work in the unsewered areas of the shire, involving:
 - the subdivision of land,
 - the erection of new or enlarged habitable buildings, or
 - other work that requires modification to an existing on-site sewage management system.
- c. The sewage management plan should demonstrate the existing and/or proposed system is sited and designed to:
 - prevent the spread of disease by micro-organisms, foul odours, the contamination of water, the degradation of soil and vegetation, and discourage insects and vermin,
 - ensure that persons do not come in contact with untreated sewage or effluent,
 - accommodate a suitable pump-out point and tanker standing location, where necessary,
 - minimise any adverse impacts on the amenity of the premises and surrounding lands,
 - protect water quality in watercourses,
 - maintain a buffer zone to significant flora and fauna in accordance with 1C.1.1 Biodiversity, Table 1C.1.1(a), and
 - comply with relevant Best Practice Guidelines.

Notes:

The installation of any on site sewage management facility requires approval from Council under the *Local Government Act (1993)*. An application to install an On Site Sewage Management Facility should be submitted when the Development Application is lodged.

Best practice guidelines and legislation to be considered in designing an on-site sewage management system includes, but is not limited to, the following:

- *Environment & Health Protection Guidelines - On-site Sewage Management for Single Households* (Department of Local Government, 1998),
- *AS 1547- On-site Sewage domestic- wastewater disposal* (Standards Australia, 2000),
- *Septic Tank and Collection Well Accreditation Guidelines 2001* (NSW Health),
- *Register of Accredited Sewage Management Facilities*, (NSW Health),
- *Greywater Reuse in Single Domestic Premises 2000*, (NSW Health),
- *Interim NSW Guideline for Management of Private Recycled Water Schemes*,
- *Water Industries Competition Act 2006*,
- *Local Government (Approvals) Regulation*,
- ~~SREP No.20 - Hawkesbury Nepean River~~ **Biodiversity and Conservation SEPP**, and
- ~~SEPP No.62 - Sustainable Aquaculture~~ **State Environmental Planning Policy (Primary Production) 2021 (Primary Production SEPP)**.

The above documents are accessible from either Council's website hornsby.nsw.gov.au, the Department of Environment, Climate Change and Water on www.environment.nsw.gov.au, the NSW Department of Health, on www.health.nsw.gov.au, and legislation can be viewed at www.legislation.nsw.gov.au.

For further information on some of the key controls from the above best practice guidelines, refer to Hornsby Shire Council, *Form 18 - An application for approval to Install a Wastewater Treatment System* available at website hornsby.nsw.gov.au

1C.2.5 Noise and Vibration

Desired Outcomes

- a. Development designed and managed to minimise noise and vibration impacts on the occupants of residential dwellings and other noise sensitive land uses.

Prescriptive Measures

Construction Noise Management

- a. Development proposals should be accompanied by documentation that includes a conceptual description of the measures to be applied to minimise construction noise.

Note:

Applicants should refer to the *Interim Construction Noise Guidelines (2009)* by the Department of Environment and Climate Change NSW available at www.environment.nsw.gov.au in preparing a noise management plan.

Noise Sensitive Development

- b. Noise sensitive landuses should include siting and design measures to ameliorate the potential impact of existing noise generating uses on the proposed development.
- c. Noise sensitive landuses adjoining a major road or a railway corridor should be accompanied by an acoustic report that demonstrates the site and building design is suitable for use in terms of acoustic amenity.
- d. High, solid acoustic fences should be avoided forward of the building line other than for noise sensitive landuses along major roads that are exposed to significant noise. In these instances, fences should be a maximum height of 1.8 metres and incorporate articulation. Large unbroken sections of fencing should be avoided.

Notes:

Noise sensitive landuses include dwellings or approved residential building envelopes on vacant lots, a place of public worship, a hospital, an educational establishment, a child care centre, a public open space area/park and other specialised commercial uses such as temporary accommodation (eg caravan parks or motels).

Major Roads for the purpose of this part of the DCP comprises roads with an annual average daily traffic volume of more than 40,000 vehicles, as defined by ~~Clause 102 in SEPP (Infrastructure) 2007~~ **Section 2.119 of the Transport and Infrastructure SEPP**, that may include Pennant Hills Road, Beecroft Road, Epping Road, Castle Hill Road and Boundary Road.

Noise Generating Development

- e. Development should be sited and designed so that noise is kept to a minimum and does not create offensive noise as defined by the *Protection of the Environment Operations Act 1997*.
- f. Noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to:
 - minimise the effect of noise and vibration on surrounding sensitive landuses, and
 - comply with relevant State Government and Council guidelines.
- g. The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent sensitive landuses and/or screened by walls or other acoustic treatments.
- h. In addition to physical noise mitigation measures, noise impact management measures should be used to further limit potential noise impacts on sensitive landuses such as:
 - scheduled times to undertake noise generating activities and/or use of noise generating machinery, and
 - reasonable hours of operation including delivery hours.

Notes:

Noise generating development may include, but is not limited to the following: child care centres, schools, places of public worship, industrial uses, commercial developments, hotels, backpackers' accommodation, and some active recreational facilities.

For further information on relevant guidelines refer to:

- State Government Guidelines, including the *NSW Industrial Noise Policy* (EPA 2000) and the *NSW Environmental Criteria for Road Traffic Noise* (EPA 1999), available at www.environment.nsw.gov.au, and
- ~~SEPP (Infrastructure)~~ **Transport and Infrastructure SEPP** and the associated guidelines *Development Near Rail Corridors and Busy Roads - Interim Guideline* (DoP 2008) available at www.planning.nsw.gov.au, and
- Council's *Policy and Guidelines for Noise and Vibration Generating Development* available at website hornsby.nsw.gov.au.

1C.2.6 Air Quality

Desired Outcomes

- a. Development designed and managed to minimise air quality impacts on the occupants of residential dwellings and other sensitive land uses.

Prescriptive Measures

General

- b. Buffer zones should be provided between potentially air polluting activities and air quality sensitive landuses.

Note:

Some buffers to sensitive landuses are prescribed within the chapters of this DCP - for example buffers between intensive rural uses and sensitive landuses are prescribed in Chapter 2 of this DCP.

Air Quality Sensitive Development

- c. Air quality sensitive landuses adjoining a major road are to include siting and design measures to ameliorate the potential impact of vehicle emissions on the site.
- d. An Air Quality assessment report that takes into account the provisions of **SEPP (Infrastructure) 2007** **Transport and Infrastructure SEPP** should be provided for air quality sensitive landuses within 100 metres of a major road (excluding a single dwelling house on an existing lot).

Notes:

Air quality sensitive landuses include a dwelling, school, child care centre, residential aged care facility, hospital, office or public recreational area per page 33 in *Development Near Rail Corridors and Busy Roads - Interim Guideline* (DoP 2008).

Major Roads for the purpose of this part of the DCP, comprises freeways and main roads with moderate congestion levels and accommodating more than 2500 vehicles per hour, that may include the Pacific Highway (south of Edgeworth David Ave), Pennant Hills Road, Carlingford Road, Beecroft Road, Epping Road, Castle Hill Road, Boundary Road and New Line Road.

Air Quality Impacting Development

- e. Any development that is likely to, or capable of, generating levels of air emissions exceeding the requirements of the *Protection of the Environment Operations Act 1997* should incorporate appropriate measures to mitigate against air pollution.
- f. Land uses that have the potential to generate offensive odour should be sited and designed to minimise odour impacts on adjoining land uses.

Notes:

For further information, refer to:

- **SEPP (Infrastructure) 2007** **Transport and Infrastructure SEPP** and additional guidelines on air quality are provided in *Development Near Rail Corridors and Busy Roads - Interim Guideline* (DoP 2008) available at www.planning.nsw.gov.au, and
- Development assessment guidelines on air quality available at www.planning.nsw.gov.au
- *Technical framework: Assessment and Management of Odour from Stationary Sources in NSW* (November 2006) by the Department of Environment and Conservation

1C.2.11 Signage

Desired Outcomes

- a. Signage compatible with the character of the locality.
- b. Signage that complements the scale, size and architecture of the building or structure on which it is displayed.
- c. Signage that does not compromise pedestrian, cyclist or motorist safety.

Prescriptive Measures

General

- a. Signs should be designed and located to:
 - relate to the use of the premises,
 - be consistent with best practice guidelines,
 - be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture,
 - be limited in number to avoid cluttering, distraction and unnecessary repetition,
 - not cover mechanical ventilation inlets or outlets,
 - not comprise a roof sign,
 - not compromise road or pedestrian safety,
 - be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall, and
 - be at least 600mm from a kerb or roadway edge where the sign is over a public road.
- b. In addition to the above, illumination of signage should:
 - be integrated with the design of the sign,
 - not cause light spillage into nearby residential properties,
 - not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation', and
 - be fitted with an automatic timing device, controlling the illumination hours.
- c. In residential zones, signage should not be illuminated.
- d. All commercial advertising should comply with **SEPP No.64-Advertising and Signage the State Environmental Planning Policy (Industry and Employment) 2021** (Industry and Employment SEPP).

Notes:

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

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

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

For best practice guidelines on the planning and design of outdoor advertisements refer to *Transport Corridor Outdoor Advertising Signage Guidelines* (July 2007) available at www.planning.nsw.gov.au. Note that this includes prescriptive maximum luminance levels for signs to maintain road safety. (at Section 3.2.5 of the guidelines).

All signage applications should consider the provisions of **State-Environmental-Planning-Policy (SEPP) No.64-Advertising and Signage the Industry and Employment SEPP** which is available at www.planning.nsw.gov.au.

The following signage types are discouraged: illuminated signs in residential areas, flag signs, animated signs, mechanical moving signs, scrolling messages, moving LED signs, video/ television screens, projected laser advertising and other flashing lights, signs with large areas of red or incorporate a display resembling traffic lights.

Business Identification Signs

e. Business identification signs should:

- identify the significant owners, tenants and uses of buildings,
- consolidate signs for multiple tenancies,
- not incorporate advertising of products and services that are not directly related to the approved use of the premises, and
- comply with the general controls and the relevant prescriptive measures in the following Tables 1C.2.11(a) to (f).

Note:

A business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Table 1C.2.11(a) Awning fascia sign
Should not project above or below the fascia
Should not be illuminated

An awning fascia sign is attached to the fascia or return end of an awning.

Table 1C.2.11(b) Under Awning Sign
Should be erected below the awning fascia, horizontally to the ground and at right angles to the building
Should not exceed 0.4m in width
Should not exceed a vertical height of 0.5m
Should be located 2m from the side property boundary, and not closer than 3m to another under awning sign

A suspended under awning sign, also known as an under awning sign, is a sign attached to the underside of an awning.

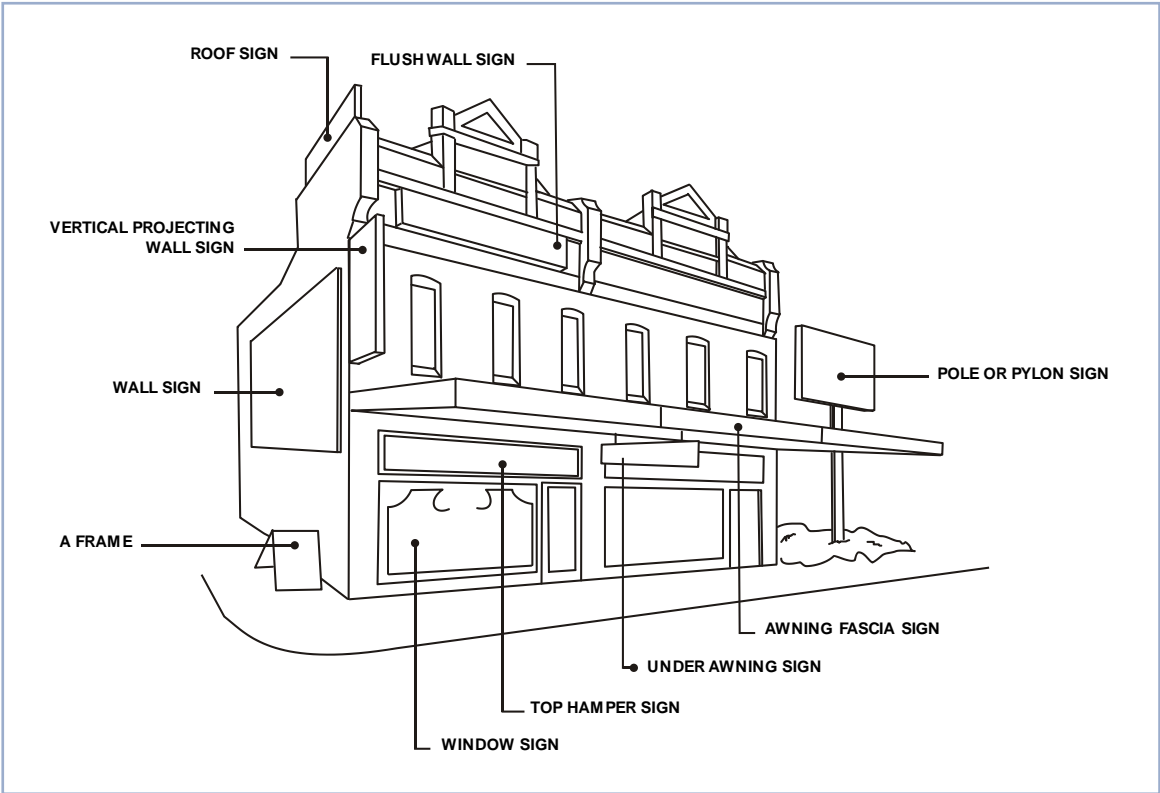


Figure 1C.2.11(a) Illustration of signage types (I)

Table 1C.2.11(c) Flush wall and painted wall signs

Should not extend laterally beyond the wall of the building to which it is attached

Should be flush with the building

The total area of wall signs should not exceed 5m², unless it can be demonstrated that the sign is consistent with the character of the locality in accordance with [Industry and Employment SEPP No.64](#).

A flush wall or painted wall sign are signs that are fixed flat or painted on the wall on which they are displayed. This also includes a top hamper sign, and a window sign. Note that painting a building in corporate colours may be considered a painted wall sign.

Table 1C.2.11(d) Vertical projecting wall signs

Should not project above the wall to which it is attached

Should not exceed 1.5m² in area

Should be erected at right angles to the wall of the building to which it is attached

Maximum of one sign per building

A projecting wall sign is a sign that is attached to the wall of a building and projecting horizontally more than 300mm.

Table 1C.2.11(e) Pole or pylon sign

Signage for multiple businesses within the one complex should be advertised on a single sign structure

Should not exceed a maximum height of 8m above ground

Should not exceed 2m in width

Should not exceed 0.5m in depth

Should be located:

- Within property boundaries, and
- A minimum of 2.6m above any footpath.

A pole or pylon sign, also known as a freestanding signs, are signs erected on a pole or pylon independent of any building or other structure.

Table 1C.2.11(f) Moveable signs (A-Frame, sandwich board signs)

Where site constraints make it difficult to provide a fixed sign, a moveable sign may be supported

Maximum area of 1.2m² per face - maximum 2 faces

Should not exceed 0.6m in width

Should be located to maintain an unencumbered pedestrian throughfare of 2 metres where located on a public footpath

Minimum frontage of 6m per sign

Moveable free standing signs are generally discouraged as they contribute to visual and physical clutter and increase trip hazards for pedestrians. It is preferable to have business identification signs fixed to buildings or structures.

Temporary Community Banners

- f. Temporary community banners are exempt from requiring development consent when erected in accordance with the provisions of Schedule 2 of the *HLEP*.
- g. Special consideration will be given to signs associated with community events that comply with Table 1C.2.11(g) below:

Table 1C.2.11(g) Temporary Community Banner

The banner is a temporary advertisement for a religious, cultural, political, social or recreational event only

Maximum area of 4m²

Sponsorship information is a maximum of 20% of the total area of the banner displayed at the venue or the sponsor's premises

The banner is erected a maximum of 28 days before the event

The banner is removed within 7 days following the event

Maximum of 6 banners are erected in association with the event at separate locations including the venue

The banner should not be attached to a tree

Details of the locations designated by Council as suitable for the display of community banners without consent are available at website.hornsby.nsw.gov.au

1C.2.12 Avoiding Isolated Sites

Desired Outcomes

- a. The consolidation of sites in a manner that avoids adjoining sites becoming isolated so that they cannot be developed in accordance with the planning controls.

Prescriptive Measures

- a. The creation of isolated sites is not desirable.
- b. Where a development may result in the creation of an isolated site, the applicant should demonstrate that:
 - Negotiations for amalgamations of sites commenced early, prior to the lodgement of a development application,
 - If negotiations are not successful, details of the negotiations should be provided with the development application submission, including at least one recent independent valuation (which considers the property as being part of a complying amalgamated site) and include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property, and
 - The orderly and economic development of the isolated site can be achieved that is consistent with the provisions of the HLEP and DCP. This should include the applicant providing an envelope for that site, indicating height, building form, setbacks and separations (building and basement) sufficient to understand the relationship between the proposed development and the isolated site and the streetscape implications.
- c. The development of an isolated site should not detract from the character of the streetscape and is to achieve a satisfactory level of amenity, including solar access, visual and acoustic privacy.

Notes:

An Isolated Site means a site whose size and location could potentially significantly limit development as a result of not being included in an adjoining development proposal. Sites may not be defined as isolated if they have the future potential to amalgamate with an alternate adjoining property.

For further information on the Planning Principles for considering the isolation of sites refer to *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 at www.lawlink.nsw.gov.au.

1C.3 Hazards

The following section provides general controls for hazards and applies to all forms of development.

1C.3.1 Bushfire

Desired Outcomes

- a. Development that is located and designed to minimise the risk to life and property from bushfires.
- b. Development that balances the conservation of native vegetation and bushfire protection.

Prescriptive Measures

- a. Development on land identified as bushfire prone on Council's Bushfire Prone Land Map should address the bush fire protection measures in the publication *Planning for Bushfire Protection 2019 (2006)*.
- b. Development should be located and designed to minimise the need for bushfire hazard reduction within native vegetation areas.
- c. Bushfire Asset Protection Zones should be located entirely within the development site.
- d. Measures such as higher fire resistant construction standards, improved access and water supplies should be considered for infill developments where they would reduce the need for removal of significant native vegetation, provided the development still complies with *Planning for Bushfire Protection 2019 (2006)*.

Notes:

The key objectives and controls to address bushfire risk are not set out in this Plan but are incorporated into the Rural Fire Service publication entitled 'Planning for Bushfire Protection 2019 2006 (PBP) (as amended), as well as the *Rural Fires Act 1997* available at www.bushfire.nsw.gov.au.

All development applications on bushfire prone land will require either:

- A bushfire risk assessment and certification or
- A detailed bushfire report (for integrated development)

A Bushfire Risk Assessment and Certification are prepared for non-integrated developments such as single dwelling houses. The report and certification will state the applicable Bushfire Attack Levels (BAL) that apply and the relevant Asset Protection Zones (APZ) required, and that the development conforms to the relevant specifications and requirements, AS 3959 and Planning for Bushfire Protection 2006. Council or a suitably qualified consultant can provide this assessment.

A Detailed Bushfire Report is required to be provided for Integrated Development under the Rural Fires Act, including for example the subdivision of land. The report must be prepared by a suitably qualified bushfire consultant and address the requirements of the NSW Rural Fire Service (RFS) and Planning for Bushfire Protection 2019 2006. The Council will refer this plan to the RFS for its consideration.

1C.3.2 Flooding

HLEP Clause 6.3 contains provisions for development of land at or below the flood planning level. Areas identified as 'Flood Planning areas' are identified in the HLEP Flood Planning Map.

Desired Outcomes

- a. Development that is located and designed to minimise the risk to life, property and the environment from flooding.

Prescriptive Measures

General

- a. Where a development proposal is on land shown as 'Flood Planning areas' on the HLEP Flood Planning Map or is on other land at or below the flood planning level, a comprehensive flood study should be prepared by a qualified hydraulic engineer and is to be submitted with any development application on land that demonstrates that:
 - The development addresses the provisions of Clause 6.3 of the HLEP, and
 - The development complies with best practice.
- b. The overland flow path should not be built upon and should have minimal planting. Development is required to demonstrate that any overland flow is maintained for 1 in 100 year average recurrence interval (ARI) flood.
- c. All potential pollutants that are stored or detained on-site (such as on-site effluent treatment facilities, chemicals or hazardous materials) should be stored 0.5 metres above 1 in 100 year ARI flood level. Details should be provided as part of any application.

Sea Level Rise

- d. Development on land adjacent to tidal waters, including the Hawkesbury River and Berowra Creek, should be designed to minimise the risk to property and the environment from sea level rise in the event of a 1 in 100 year ARI flood by:
 - siting the floor level of habitable rooms, wet areas and other sensitive uses (eg. on-site wastewater disposal areas) above the 2100 (year) NSW sea level rise planning benchmark of 0.9 metres, and
 - siting other non-habitable structures (eg. sheds, decks, pergolas) above the 2050 (year) NSW sea level rise planning benchmark of 0.4 metres.

- All habitable floor levels are to be a minimum of 0.5m above the 1:100 ARI Flood Level and all garages or basement ramps should be 0.3 metres above the 1:100 ARI Flood level.

Notes:

The flood planning level means the level of a 1 in 100 year ARI (average recurrence interval) flood event plus 0.5 metre freeboard.

For best practice guidelines refer to :

- NSW Government's *Floodplain Development Manual* (2005), and
- *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (DoP 2010) and
- *Flood Risk Management Guide - Incorporating sea level rise benchmarks in flood assessments* (DECCW 2010)

* Clause 6.3 of the HLEP refers to the 1 in 100 year Average Recurrence Interval (ARI) flood event for flood planning purposes. ARI is the long term average number of years between the occurrence of a flood as big as or larger than the selected event. This flood event is a tool for broadly assessing the suitability of land for development. It does not mean that properties and development above the flood planning level are not subject to flood risk.

* While some of the land in the Hornsby Shire that is at or below the flood planning level is depicted on the HLEP Flood Planning Map - flood planning area', this map is not exhaustive. A Section 449 10.7 Planning Certificate will identify whether or not the land is subject to exposure to tidal inundation and/or flood hazard risk.

* The *NSW Sea Level Rise Policy Statement (2009)* adopts a sea level rise planning benchmark of an increase above 1990 mean sea levels of 90cm by 2100 or 0.4m by 2050.

The CSIRO on behalf of the Sydney Coastal Council Group (SCCG) has undertaken modelling of coastal inundation under future sea levels. They have released sea level rise maps for Hornsby Shire that will help residents understand the impact of predicted sea levels. The maps can be accessed online at:

hornsby.nsw.gov.au/property/development-applications/sea-level-rise-map

1C.3.3 Acid Sulfate Soils

HLEP Clause 6.1 contains provisions for development of land that may contain acid sulfate soils. These lands are identified on the HLEP Acid Sulfate Soils Map.

Desired Outcomes

- a. Development that does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Prescriptive Measures

- a. Developments that involve the carrying out of works prescribed in Clause 6.1 of the HLEP should be accompanied by an Acid Sulfate Soil Management Plan prepared in accordance with the *Acid Sulfate Soils Manual*.

Notes:

For further information refer to the HLEP and the Acid Sulfate Soils Map.

The Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

A preliminary investigation of the proposed development site or an acid sulfate soils management plan required by the HLEP must be prepared by a suitably qualified environmental consultant.

1C.3.4 Land Contamination

Desired Outcomes

- a. Development that remediates contaminated land for the purpose of reducing the risk of harm to human health and the environment

Prescriptive Measures

- a. Developments applications should prepare and submit a preliminary contamination assessment in accordance with ~~SEPP 55 Remediation of Land~~ the *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)* where land is suspected to be contaminated, and:
 - The application proposes a change of use to a sensitive land use such as residential, educational, recreational, child care purposes, or for the purposes of a hospital land, or
 - Work is proposed that may disturb contaminated land (for example, earthworks at a petrol station).
- b. Where a preliminary assessment identifies that a contaminant is present on the site, a detailed investigation of the site should also be prepared and lodged with the development application.
- c. A remedial action plan, validation report and a site audit statement may also be required to be completed.

Notes:

For further information refer to:

- *Resilience and Hazards SEPP* ~~No.55 Remediation of Land~~ is available at www.planning.nsw.gov.au, and
- NSW Environment Protection Authority's *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines* available at www.environment.nsw.gov.au.

2.1 Rural Buildings

The following section provides controls for the erection of a building or structure in the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Small Lot Primary Production, SP3 Tourist (Wisemans Ferry), **E2 C2** Environmental Conservation and **E3 C3** Environmental Management.

2.1.1 Scale

Desired Outcomes

- Development with a height, bulk and scale that is compatible with the rural area.

Prescriptive Measures

Height

- Sites with the following maximum building heights under Clause 4.3 of the *HLEP* should comply with the maximum number of storeys in Table 2.1.1(a).

Table 2.1.1(a): Translation of Height to Storeys

HLEP Area	Maximum Building Height (m)	Maximum Storeys (excluding basement carparking)
K	10.5m	2 storeys + attic

- Buildings should respond to the topography of the site by minimising earthworks (cut and fill).
- A transition in building height should be provided at sensitive interface areas adjacent to heritage items.

Notes:

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

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- a space that contains only a lift shaft, stairway or meter room, or
- a mezzanine, or
- an attic.

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

Roof Design

- To ensure conformity with the landscape and protection of the scenic quality of the area, roof pitch and design should:
 - sit below the dominant tree canopy, and
 - not detract from natural ridgelines, and
 - consider the slope of land.
- The roof should have a maximum pitch of 35 degrees, except if a steeper roof pitch is more consistent with the existing character of the locality.
- Any attic level is to be contained wholly within the roofspace.
- The external walls of the building should not extend above the attic floor level.

Notes:

Attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

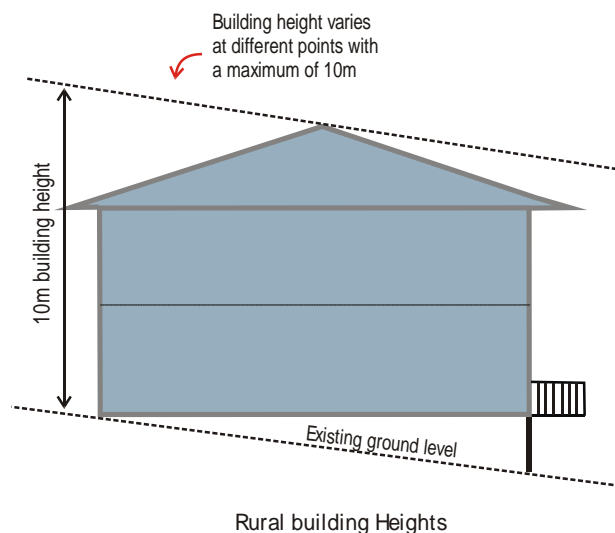


Figure 2.1(a) Explanation of building height controls (I)

Height controls are based on a typical residential floor to floor height of 3 metres, with allowances for roof articulation and undercroft areas for steeply sloping sites.

2.1.2 Setbacks

Desired Outcomes

- a. Setbacks that complement the rural character and allow for separation between neighbouring rural developments.
- b. Setbacks that retain natural landscape features.

Prescriptive Measures

- a. All buildings and structures should comply with the minimum boundary setbacks in Table 2.1.2(a).

Table 2.1.2(a): Minimum Boundary Setbacks

Property Boundary	Lots <4000m ²	Lots >4000m ²
Waterfront Setback	see Clause 6.1 of <i>HLEP</i> and Foreshore Building Line Map	
Front boundary (primary frontage)	10m or the average of the front setbacks of the nearest two neighbouring houses, whichever is greater	15m to local roads and 30m to designated roads
Secondary boundary (on corner lots)	5m	10m
Side boundary	5m	10m
Rear boundary	10m	15m

- b. The above setback controls also apply to structures, including crop netting and green houses.

Sites with more than one frontage

- c. For buildings with a corner frontage:
 - front and rear boundary setbacks apply to the shorter street frontage (the primary frontage), and
 - side boundary setbacks apply to the longer of the two street frontages (the secondary boundary).
- d. For a lot that adjoins parallel roads, the front boundary setback control applies to both the primary frontage and the parallel road boundary.

Setbacks to Landscape Features

- e. The setback of buildings from the property boundary may need to be increased to maintain landscape features, as detailed in Section 2.1.3 of this DCP.

Landuse Separation

- f. Despite the setbacks in Table 2.1.2(a), a proposed sensitive landuse located adjacent to an existing intensive rural activity, may need an increased boundary setback to minimise potential landuse conflict and comply with the Landuse Separation provisions in Section 2.2 of this DCP.

Setback Encroachments

- g. The following minor structures are able to encroach into the prescribed setbacks:
 - A driveway between the on-site car parking area and a public road,
 - Stairs to the ground floor of the dwelling,
 - Fences,
 - A rural outbuilding on a designated road, with a maximum total floor area of 200m² is able to encroach to within 20 metres of the primary frontage on a designated road,
 - An inground swimming pool is able to encroach to within 1 metre of the side or rear boundary, measured to the water line,
 - A dam with a wall height less than 3 metres is able to encroach to within 5 metres of any boundary, and
 - A roadside stall with a maximum area of 20m² may be located on-site adjacent to the front property boundary.

Notes:

Designated roads

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

An intensive rural activity includes intensive agriculture, garden centres, plant nurseries and landscaping material supplies, animal boarding or training establishments, rural industries, extractive industries and the like.

Sensitive land uses include dwellings or approved building envelopes on vacant lots, tourist accommodation, community uses, educational uses, public open space, and sheds or premises used for the manufacture, preparation, sale or storage of food.

2.1.3 Landscaping

Desired Outcomes

- a. Landscaping that integrates the built form with the locality and enhances the tree canopy.
- b. Landscaping that retains existing landscape features.
- c. Landscaping that is consistent with the visual landscapes in the rural area.

Prescriptive Measures

General

- a. Landscaping should maintain the natural features, topography and vegetation on the site.
- b. Setback areas should be landscaped.
- c. Vehicle crossings should be located to preserve natural vegetation which contributes to the visual amenity of the area.
- d. Intensive rural activities, should provide a landscape buffer to boundaries with a minimum width of 5 metres.

Retention of Landscape Features

- e. Buildings, driveways and service trenches should have a minimum setback:
 - in accordance with the 'Watercourses' element in Section 1C.1.3 of this DCP,
 - 10 to 20 metres to significant bushland as prescribed in the 'Biodiversity' element in Section 1C.1.1 of this DCP, and
 - in accordance with the requirements of AS4970 from significant trees to be retained.

Notes:

An intensive rural activity includes intensive agriculture, garden centres, plant nurseries and landscaping material supplies, animal boarding or training establishments, rural industries, extractive industries and the like.

A Landscape buffer is to include screen planting, preferably including vegetation that is endemic to the area. Alternatively, fire retardant species should be considered in bushfire prone areas.

The applicant is encouraged to incorporate species from Council's publication *Indigenous Plants for the Bushland Shire* available on Council's website hornsby.nsw.gov.au.

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ **Section 2.118(2a) of the Transport and Infrastructure SEPP** require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

Fences and Gates

- f. Frontages/ streetscapes should not contain excessively urban features such as formal gates and high fences.
- g. Fences should be open style and constructed of materials such as timber or post and wire, with a maximum height of 1.8 metres.
- h. Any masonry gate entry feature should not extend more than 3 metres either side of the driveway entrance.
- i. High, solid fences constructed as sound barriers should be avoided. On main roads alternative measures of reducing traffic noise should be explored, such as double glazing, internal layout, earth mounds and vegetation, rather than high solid fences.



Figure 2.1(a) Example of a suitable open style rural fence. (E)



Figure 2.1(b) Example of a masonry entry feature that does not extend more than 3 metres either side of the driveway. (E)

Floor area of a dwelling house (as defined by the NSW Housing Code) means the sum of the areas of each storey of the dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4m above each floor level, that is within the outer face of:

- (a) the external walls of the dwelling house, and
- (b) the walls of the carport, garage, balcony, deck, patio, pergola, terrace or verandah,

but does not include any of the following:

- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (d) the eaves,
- (e) a lift shaft,
- (f) a stairway,
- (g) a void above a lower storey.

Outbuilding (as defined by the NSW Housing Code) means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling house,
- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed.

3.1.2 Setbacks

Desired Outcome

- a. Setbacks that are compatible with adjacent development and complement the streetscape.
- b. Setbacks that allow for canopy trees to be retained and planted along the front and rear property boundaries.

Prescriptive Measures

- a. The minimum setback of all buildings and structures to the boundaries of the site should comply with Table 3.1.2(a):

Table 3.1.2(a): Minimum Boundary Setbacks

Boundary Setback	Minimum Building Setback
Front Boundary (primary frontage)	6m to local roads and 9m to designated roads, except for the following: <ul style="list-style-type: none"> ⦿ On local roads, where an existing setback of 7.6m or greater exists, it may be necessary to conform to this setback to maintain the streetscape character, and ⦿ 3m to Brooklyn Road, Brooklyn, and ⦿ 9m to roads in Cherrybrook
Waterfront Setback	See Clause 6.1 of HLEP Foreshore Building Line Map
Secondary Boundary (on corner lots)	3m
Side Boundary	up to 1 storey = 0.9m 2 storey element = 1.5m
Rear Boundary	up to 1 storey = 3m 2 storey element = 8m

- b. For the purpose of the setback controls, a 1 storey building or element is not to exceed a **building** height of 4.5 metres above existing ground level.
- c. For buildings with a corner frontage, front and rear boundary setbacks apply to the shorter street frontage as illustrated in Figure 3.1(c).
- d. For the purpose of calculating setbacks for a battle-axe lot, the setback on the opposite side of the lot to the rear setback is taken to be a side setback, as illustrated in Figure 3.1 (d).
- e. For a lot that has boundaries with parallel roads, the front boundary setback control applies to both property boundaries.

3.3.13 Vehicle Access and Parking

Desired Outcome

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.

Prescriptive Measures

General

- a. Direct access to main roads should be avoided.
- b. Driveways should be located at least 2 metres from any side boundary and flanked by continuous landscaped verges.
- c. Resident and visitor parking should be provided within basements.
- d. Any undercroft carparking should be screened and not be located in a dwelling facade that faces a primary or secondary street frontage.
- e. Driveways and garage entrances should not visually dominate any street or facade that facades a communal area upon the site.
- f. Parking for service and delivery vehicles should be integrated with the design of driveways and landscaped verges and not visually dominate any street frontage.

Ancillary Fixtures and Facilities

- g. Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.

Note:

Refer to Part 1 'General' of the DCP for car parking and bicycle parking rates and ancillary general design requirements.

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ **Section 2.118(2a) of the Transport and Infrastructure SEPP** require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

3.3.14 Public Domain and Traffic Management Works

Desired Outcome

- a. A public domain that encourages vitality around and within development precincts.
- b. Traffic management works that provide for the safe and efficient movement of vehicles to, from and within precincts.

Prescriptive Measures

Public Domain

- a. Development of the public domain should make the locality an attractive place that encourages development and provides amenity for residents.
- b. Embellishment of the public domain should include street furniture, new street plantings and footpath improvements and other work in accordance with the Epping Town Centre Public Domain Guideline.
- c. Pedestrian linkages shown on the Key Development Principles Diagrams and Town Centre Linkage Diagrams (Annexure B) should be provided and reinforced as safe, accessible and vibrant pedestrian areas.

Traffic Management Works

- d. Traffic management works should be undertaken in accordance with the traffic improvements identified in the Key Development Principles Diagrams.
- e. Council or the relevant authority will undertake the necessary traffic management improvements located on public land and roads. Development should be designed to accommodate and complement the proposed traffic improvements or offer alternative traffic management solutions.
- f. Development proposing alternative traffic management solutions should be accompanied by a comprehensive traffic assessment.

Note:

This DCP will inform Council's Civic Works Program and Street Tree Planting Program.

For development within Epping Town Centre, refer to the Epping Town Centre Public Domain Guideline available at hornsby.nsw.gov.au

3.4.13 Vehicle Access and Parking

Desired Outcome

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.

Prescriptive Measures

General

- a. Direct access to main roads should be avoided.
- b. Driveways should be located at least 2 metres from any side boundary and flanked by continuous landscaped verges.
- c. Resident and visitor parking should be provided within basements.
- d. Any undercroft carparking should be screened and should not be located in a dwelling facade that faces a primary or secondary street frontage.
- e. All ramps are to be designed as two way ramps in accordance with AS 2890.1 and AS 2890.2
- f. All ramps are to be designed in accordance with the exits and entry widths of AS 2890.1 and AS 2890.2
- g. Driveways and garage entrances should not visually dominate any street or facade that facades a communal area upon the site.
- h. Parking for service and delivery vehicles should be integrated with the design of driveways and landscaped verges and should not visually dominate any street frontage.

Ancillary Fixtures and Facilities

- i. Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.

Note:

Refer to Part 1 'General' of the DCP for car parking and bicycle parking rates and ancillary general design requirements.

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

3.4.14 Public Domain and Traffic Management Works

Desired Outcomes

- a. A public domain that encourages vitality around and within development precincts.
- b. Traffic management works that provide for the safe and efficient movement of vehicles to, from and within precincts.

Prescriptive Measures

Public Domain

- a. Development of the public domain should make each precinct an attractive place that encourages development and provides amenity for residents.
- b. Embellishment of the public domain should include street furniture, new street plantings, and footpath improvements.
- c. Pedestrian linkages shown on the Key Development Principles Diagrams and Town Centre Linkage Diagrams (Annexure B) should be provided and reinforced as safe, accessible and vibrant pedestrian areas.

Traffic Management Works

- d. Traffic management works should be undertaken in accordance with the traffic improvements identified in the Key Development Principles Diagrams, and Traffic Management Improvement Plans Figures 3.4(j), 3.4(k) and 3.4(l).
- e. Council or the relevant authority will undertake the necessary traffic management improvements located on public land and roads. Development should be designed to accommodate and complement the proposed traffic improvements or offer alternative traffic management solutions.
- f. Development proposing alternative traffic management solutions should be accompanied by a comprehensive traffic assessment.

Note:

This DCP will inform Council's Civic Works Program and Street Tree Planting Program.

For development within Epping Town Centre, refer to the Epping Town Centre Public Domain Guidelines available at hornsby.nsw.gov.au

3.5.13 Vehicle Access and Parking

Desired Outcome

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.

Prescriptive Measures

General

- a. Direct access to main roads should be avoided.
- b. Driveways should be located at least 2 metres from any side boundary and flanked by continuous landscaped verges. (*excluding Pound Road, Hornsby Precinct*).
- c. In the Pound Road, Hornsby precinct, vehicular access should be provided via the accessway (Wanderers Way) at the rear of the precinct.
- d. Resident and visitor parking should be provided within basements.
- e. All ramps are to be designed as two way ramps in accordance with AS 2890.1 and AS 2890.2
- f. All ramps are to be designed in accordance with the exits and entry widths of AS 2890.1 and AS 2890.2
- g. Any undercroft car parking should be screened and should not be located in a dwelling facade that faces a primary or secondary street frontage.
- h. Driveways and garage entrances should not visually dominate any street or facade that faces a communal area upon the site.
- i. Parking for service and delivery vehicles should be integrated with the design of driveways and surrounding landscaped verges, and should not visually dominate any street frontage.

Ancillary Fixtures and Facilities

- j. Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.

Note:

Refer to Part 1 'General' of the DCP for car parking and bicycle parking rates and ancillary general design requirements.

Main roads

Development adjoining roads that are subject to ~~Clause 101-(2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

4.2.4 Landscaping

Desired Outcome

- a. Development that contributes to attractive streetscapes by providing shade along pedestrian frontages and screen planting along boundaries.
- b. Development that preserves significant trees that add to the environmental character of the commercial centre.

Prescriptive Measures

General

- a. Landscaping should be included in building setback areas to complement the appearance of the building.
- b. Setbacks from sensitive areas should be fully landscaped.
- c. Primary and secondary retail frontages should be landscaped with tree-plantings combined with paving in accordance with the following:
 - Street tree planting should be provided where appropriate having regard to site lines, footpath widths, underground services and awnings. Consideration should be given to the use of trees to provide shade in summer and allow sunlight in winter when selecting and positioning trees.
 - Pavements within each precinct should be of a consistent design, constructed of durable and non-slip modular units that are resistant to fading, discolouration and chipping, and that may readily be removed and replaced following future installation of in-ground services.
- d. Landscaping along Old Northern Road and New Line Roads should incorporate grass swales and dense vegetation planting.

Shop Top Housing

- e. Residential levels should be landscaped with native or exotic species in planter boxes watered by recycled grey water or stormwater to provide screening.
- f. Where communal open space is required, these spaces should include lawn areas surrounded by hedges of shrubs.

Retention of Landscape Features

- g. The proposed building, ancillary structures, driveways, drainage and service trenches should be setback:
 - in accordance with the 'Watercourses' element in Section 1C.1.3 of this DCP,
 - 10-20 metres to significant bushland as detailed in the 'Biodiversity' element in Section 1C.1.1 of this DCP, and
 - in accordance with the requirements of AS 4970 for significant trees to be retained.

Fencing

- h. Fencing is discouraged in the primary and secondary boundary setbacks.
- i. Allotments adjoining residential lands should be fenced with appropriate residential style fencing.
- j. Fencing enclosing private residential courtyards may be up to 1.8 metres high if constructed from lightweight materials with the design allowing at least 50 percent openings/ transparency.
- k. Fencing associated with development in the Dural Service Centre should not be provided within the setback areas of main or local roads.

Notes:

Sensitive areas include any adjoining residential lands, community uses, educational uses, public open spaces and recreational areas.

The applicant is encouraged to incorporate species from Council's publication *Indigenous Plants for the Bushland Shire* available at hornsby.nsw.gov.au as part of the development.

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

4.2.8 Vehicle Access and Parking

Desired Outcome

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.

Prescriptive Measures

Vehicular Access

- a. Access to garages and storage areas should be confined to side and rear facades, with access from main roads avoided.
- b. For development in the Dural Service Centre, vehicular access to New Line Road should be via service lanes and vehicular access to Old Northern Road should be via service roads, in accordance with the Traffic Management Strategy as discussed at Section 4.2.9.

Note:

Refer to Part 1 'General' of the DCP for car parking, service vehicle, bicycle parking provisions and ancillary general design requirements.

Main roads

Development adjoining roads that are subject to [Clause 101 \(2a\) of the Infrastructure State Environmental Planning Policy 2007](#) [Section 2.118\(2a\) of the Transport and Infrastructure SEPP](#) require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

Parking

- c. On-site car parking should:

- be provided behind buildings or beneath buildings in a basement,
- not be sited within a front setback area,
- be accessed via rear laneways or side streets where available,
- be screened from the street and other public areas by landscaping,
- design the basement car park entrance to incorporate other facade elements such as overhanging balconies or side planter boxes in the composition of the facade,
- All ramps are to be designed as two way ramps accordance with AS 2890.1 and AS 2890.2, and
- All ramps are to be designed in accordance with the exits and entry widths of AS 2890.1 and AS 2890.2.

Ancillary Fixtures and Facilities

- d. Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.

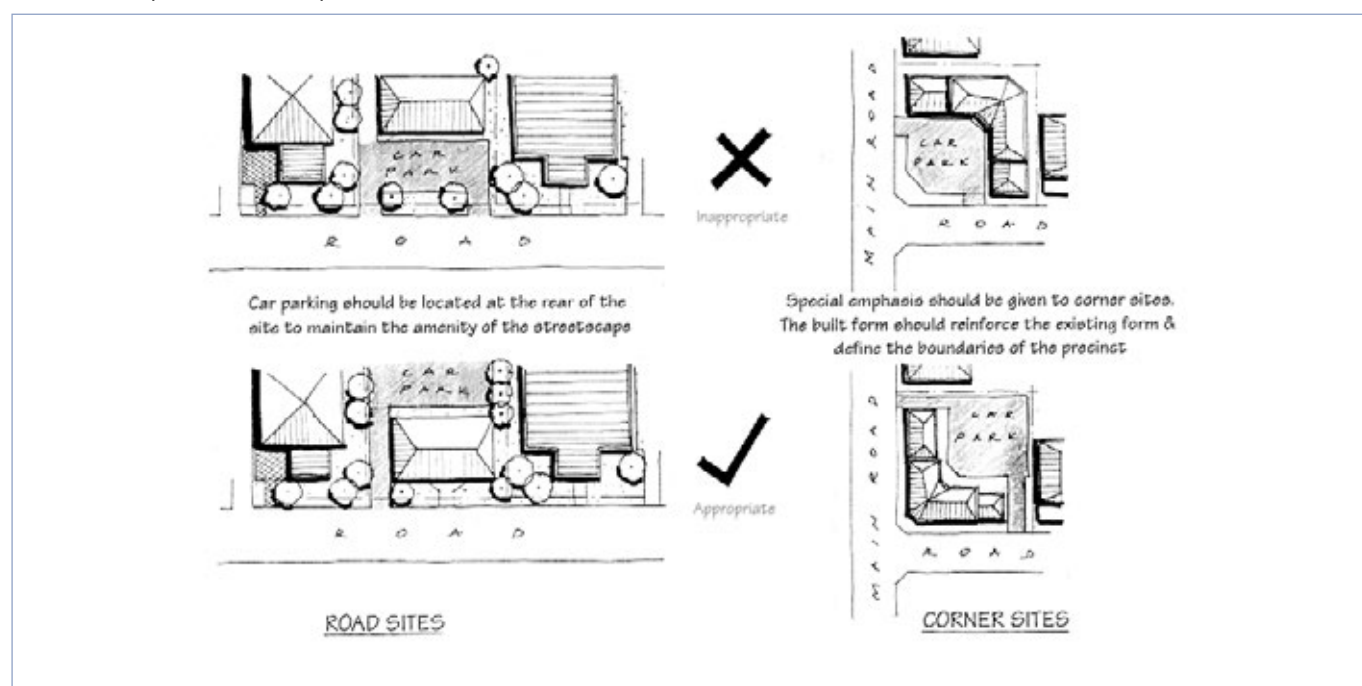


Figure 4.2(k): Car park siting principles.(l)

4.4.12 Vehicle Access and Parking

Desired Outcome

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.

Prescriptive Measures

Vehicular Access

- a. Access to garages and storage areas should be confined to side and rear facades, with access from main roads avoided.
- b. Vehicle access should be consistent with the servicing strategy depicted in the Key Development Principles diagram.

Parking

- c. Resident and visitor parking should be provided within basements.
- d. Street level parking for shoppers should be provided in convenient proximity to primary retail frontages.
- e. Any undercroft car parking should be screened and should not be located in a facade that faces a primary or secondary street frontage.
- f. Parking for service and delivery vehicles should be integrated with the design of driveways and surrounding landscaped verges, and should not visually dominate any street frontage.
- g. All ramps are to be designed as two way ramps in accordance with AS 2890.1 and AS 2890.2
- h. All ramps are to be designed in accordance with the exits and entry widths of AS 2890.1 and AS 2890.2

Ancillary Fixtures and Facilities

- i. Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.

Note:

Refer to Part 1 'General' of the DCP for car parking and bicycle parking rates and ancillary general design requirements.

Main roads

Development adjoining roads that are subject to ~~Clause 101-(2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C

Note: No changes to controls. Re-order of pages only.

4.5.4 Scale within Hornsby LGA

Desired Outcome

- a. Development with a height, scale and intensity compatible with the role and function of the centre under the commercial centres hierarchy.

Prescriptive Measures

Floor Space Ratio

- a. The maximum floor space ratio for business lands shall be in accordance with the HLEP *Floor Space Ratio Map* as follows

Table 4.5.3(a): Summary of HLEP FSR Provisions

HLEP Area	Maximum FSR (total)	Maximum FSR (Residential use)
T	2:1	
V	3:1 (+FSR variations for Area 8)	Area 2 - 2:1
Z	5:1	Area 1 - 2:1 Area 3 - 1:1

- b. As detailed in Table 4.5.3(a) above, the proportion of any building in Areas 1, 2, and 3 (as identified on the HLEP Floor Space Ratio Map) able to be used for residential accommodation is limited pursuant to the provisions of Clause 4.4(2A) of the HLEP.
- c. Within the West Side Precinct, Council may consent to development that results in a variation to the floor space ratio shown on the Floor Space Ratio Map. The requirements regarding the floor space variation are provided in Clause 4.4 (2D) of the HLEP.

Notes:

Refer to Section 1C.2.12 of the DCP for detailed provisions on Isolated Sites.

As detailed in Clause 4.5 of the HLEP, the Floor Space Ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. See the HLEP for the definition of Gross Floor Area.

Floorplates - West Precinct

- d. Residential floorplates above the podium should have a maximum GFA of 700 sqm. Balconies and terraces may project from this maximum.
- e. Commercial floorplates above the podium should have a maximum GFA of 1,200sqm.

Floorplates - North Precinct

- f. Residential floorplates should have a maximum dimension of 18 metres. Balconies and terraces may project beyond this maximum.
- g. Commercial floorplates should have a maximum dimension of 35 metres, measured perpendicular to the primary retail frontage and between opposing exterior walls at any point.

Height

- h. Sites with the following maximum building height under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 4.5.3(b) (excluding basement carparking).

Table 4.5.3(b): Translation of Height to Storeys

HLEP Area	Maximum building height (m)	Maximum Storeys - Commercial building	Maximum Storeys Mixed Use building
I	8.5m	2 storeys	2 storeys
O1	16m	4 storeys	4 storeys
S	23.5m	6 storeys	7 storeys
T1	26.5m		8 storeys
U	32.5m	8 storeys	10 storeys
V1	35.5m	9 storeys	11 storeys
V2	38.5m		12 storeys
W1	40m	10 storeys	13 storeys
X	48m	12 storeys	15 storeys
AA1	62.5		20 storeys
AA2	77.5		25 storeys

- i. Basement car parking that protrudes more than 1 metre above existing ground level is counted as a storey.
- j. Buildings within the West Precinct are to incorporate a commercial podium with a height of 2 to 5 storeys (8.5-16.5 metres), in accordance with Figure 4.5(i).

Note: No changes to controls. Re-order of pages only

- k. Mixed use buildings within the North Precinct are to incorporate a commercial podium with a height of 3 storeys (12 metres), in accordance with Figure 4.5(j).
- l. Buildings within the East Precinct are to incorporate a commercial podium with a height of 2 to 3 storeys (8-12metres), in accordance with Figure 4.5(l).
- m. A transition in building height should be provided at sensitive interface areas adjacent to heritage items and adjacent residential areas outside the precinct boundaries.

Notes:

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

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

A mixed use building described above comprises a building with a commercial podium and residential floors above.

Note: No changes to controls. Re-order of pages only.

4.5.4 Scale within City of Parramatta LGA

Desired Outcome

- a. Development with a height, scale and intensity compatible with the role and function of the centre under the commercial centres hierarchy.

Prescriptive Measures

Floor Space Ratio

- a. The maximum floor space ratio for business lands shall be in accordance with the HLEP *Floor Space Ratio Map* as follows

Table 4.5.3(a): Summary of HLEP FSR Provisions

HLEP Area	Maximum FSR (total)	Maximum FSR (Residential use)
T	2:1	
V	3:1 (+FSR variations for Area 8)	Area 2 - 2:1
Z	5:1	Area 1 - 2:1 Area 3 - 1:1

- b. As detailed in Table 4.5.3(a) above, the proportion of any building in Areas 1, 2, and 3 (as identified on the HLEP Floor Space Ratio Map) able to be used for residential accommodation is limited pursuant to the provisions of Clause 4.4(2A) of the HLEP.
- c. Within the West Side Precinct, Council may consent to development that results in a variation to the floor space ratio shown on the Floor Space Ratio Map. The requirements regarding the floor space variation are provided in Clause 4.4 (2D) of the HLEP.

Notes:

Refer to Section 1C.2.12 of the DCP for detailed provisions on Isolated Sites.

As detailed in Clause 4.5 of the HLEP, the Floor Space Ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. See the HLEP for the definition of Gross Floor Area.

Floorplates - West Precinct

- d. Residential floorplates above the podium should have a maximum GFA of 700 sqm. Balconies and terraces may project from this maximum.
- e. Commercial floorplates above the podium should have a maximum GFA of 1,200sqm.

Floorplates - North Precinct

- f. Residential floorplates should have a maximum dimension of 18 metres. Balconies and terraces may project beyond this maximum.
- g. Commercial floorplates should have a maximum dimension of 35 metres, measured perpendicular to the primary retail frontage and between opposing exterior walls at any point.

Height

- h. Sites with the following maximum building height under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 4.5.3(b) (excluding basement carparking).

Table 4.5.3(b): Translation of Height to Storeys

HLEP Area	Maximum building height (m)	Maximum Storeys - Commercial building	Maximum Storeys Mixed Use building
I	8.5m	2 storeys	2 storeys
O	16m	4 storeys	4 storeys
S	23.5m	6 storeys	7 storeys
T1	26.5m		8 storeys
U	32.5m	8 storeys	10 storeys
V1	35.5m	9 storeys	11 storeys
V2	38.5m		12 storeys
W1	40m	10 storeys	13 storeys
X	48m	12 storeys	15 storeys
AA1	62.5		20 storeys
AA2	77.5		25 storeys

- i. Basement car parking that protrudes more than 1 metre above existing ground level is counted as a storey.
- j. Buildings within the West Precinct are to incorporate a commercial podium with a height of 2 to 5 storeys (8.5-17.5 metres), in accordance with Figure 4.5(i).

Note: No changes to controls. Re-order of pages only.

- k. Mixed use buildings within the North Precinct are to incorporate a commercial podium with a height of 3 storeys (12 metres), in accordance with Figure 4.5(j).
- l. Buildings within the East Precinct are to incorporate a commercial podium with a height of 2 to 3 storeys (8-12metres), in accordance with Figure 4.5(l).
- m. A transition in building height should be provided at sensitive interface areas adjacent to heritage items and adjacent residential areas outside the precinct boundaries.

Notes:

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

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

A mixed use building described above comprises a building with a commercial podium and residential floors above.

4.6.12 Vehicle Access and Parking

Desired Outcome

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.

Prescriptive Measures

Vehicular Access

- a. Access to garages and storage areas should be confined to side and rear facades, with access from main roads avoided.
- b. Vehicle access should be consistent with the servicing strategy depicted in the Key Development Principles diagram.

Parking

- c. Resident and visitor parking should be provided within basements.
- d. All ramps are to be designed as two way ramps in accordance with AS 2890.1 and AS 2890.2
- e. All ramps are to be designed in accordance with the exits and entry widths of AS 2890.1 and AS 2890.2
- f. Street level parking for shoppers should be provided in convenient proximity to primary retail frontages.
- g. Any undercroft car parking should be screened and should not be located in a facade that faces a primary or secondary street frontage.
- h. Parking for service and delivery vehicles should be integrated with the design of driveways and surrounding landscaped verges, and should not visually dominate any street frontage.

Ancillary Fixtures and Facilities

- i. Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.

Public Domain

- j. Car parking areas at ground level should be screened by active uses from the street.
- k. Basement parking areas and structures should not protrude above the level of the adjacent street or public domain. Where they are visible, basement structures and vent grills should be integrated into the building and

landscape design. Ventilation grills are to block views into basement areas and, in inappropriate locations, be screened by landscaping in garden beds with a minimum soil depth of 1m.

Note:

Refer to Part 1 'General' of the DCP for car parking and bicycle parking rates and ancillary general design requirements.

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ [Section 2.118 \(2a\) of the Transport and Infrastructure SEPP](#) require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C

5.1.6 Vehicle Access and Parking

Desired Outcomes

- a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.
- b. Developments that incorporate on-site service areas that provide for a range of industrial uses.

Prescriptive Measures

Vehicular Access

- a. Direct vehicular access to main roads should be avoided where alternative access is available via service lanes or local roads.
- b. For development in the Dural Service Centre, vehicular access to New Line Road should be via service lanes and vehicular access to Old Northern Road should be via service roads, in accordance with the Traffic Management Strategy ((see Figures 5.1(d) and 5.1(e)).

Parking

- c. Parking should be provided to the rear of buildings or below ground level.
- d. Parking may be considered in front setback areas where site constraints warrant. A maximum of 50% of the required front setback area should be used for carparking and driveway areas.
- e. Car parking should be screened from the street by landscaping.

Service Vehicles

- f. Each industrial unit/ premises should have access to a loading and unloading area on-site.
- g. Where a development consists of multiple industrial units, at least 1 communal loading area that is capable of accommodating an articulated vehicle should be provided on-site.
- h. Loading areas should have minimum dimensions of 3 metres x 7 metres and have turning areas that comply with AS 2890.2, applicable to the size of vehicle that may service the site.

Note:

Refer to Part 1 'General' of the DCP for car parking, service vehicle, bicycle parking provisions and ancillary general design requirements.

5.1.7 Traffic Management Work

Desired Outcomes

- a. Traffic management works that provide for the safe and efficient movement of vehicles to, from and within precincts.

Prescriptive Measures

- a. Applicants should liaise with Roads and Maritime Services and Council to determine the extent of any road works required along New Line Road, in accordance with the Traffic Management Strategy.
- b. Service lanes should be provided in accordance with the Traffic Management Strategy (see Figures 5.1(d) and 5.1(e)).

Main roads

Development adjoining roads that are subject to ~~Clause 101-(2a) of the Infrastructure State Environmental Planning Policy 2007~~ **Section 2.118(2a) of the Transport and Infrastructure SEPP** require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

6.3 Rural Subdivision

6.3.1 Rural Lands Subdivision

The following provides controls for subdivision in the Rural areas of Hornsby Shire, including land within the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, **E2 C2** Environmental Conservation and **E3 C3** Environmental Management.

Desired Outcomes

- Subdivision density that maintains the character of the area and is consistent with the zone objectives.
- Subdivision design that provides setbacks to developable areas that will:
 - provide sufficient boundary setbacks to maintain the open rural character of the area;
 - protect landscape features, and
 - minimise potential landuse conflicts with existing rural activities.

Prescriptive Measures

Lot Size

- The minimum allotment size for land within the rural areas of the Shire shall be in accordance with the *HLEP Minimum Lot Size map* as summarised in Table 6.3(a).

Table 6.3(a): Minimum Lot Size - Rural Area

HLEP Area	Minimum Lot Size
U	1000m ²
X	5000m ²
Z	2ha
AA	5ha
AB	10ha
AB1	40ha

- In calculating the area of a lot resulting from a subdivision of land, the area of any accessway, right of carriageway or the like is to be excluded.
- Some lots in the rural area have a split zoning, such as a rural zone (eg RU2) and an Environmental Protection Zone (eg **EC3**). Subdivision of such land is to ensure that:
 - The total area of each new lot is equal to or greater than the minimum rural zone lot size over land; and
 - Includes a component of rural zoned land equal to or greater than 20% of the minimum lot size.

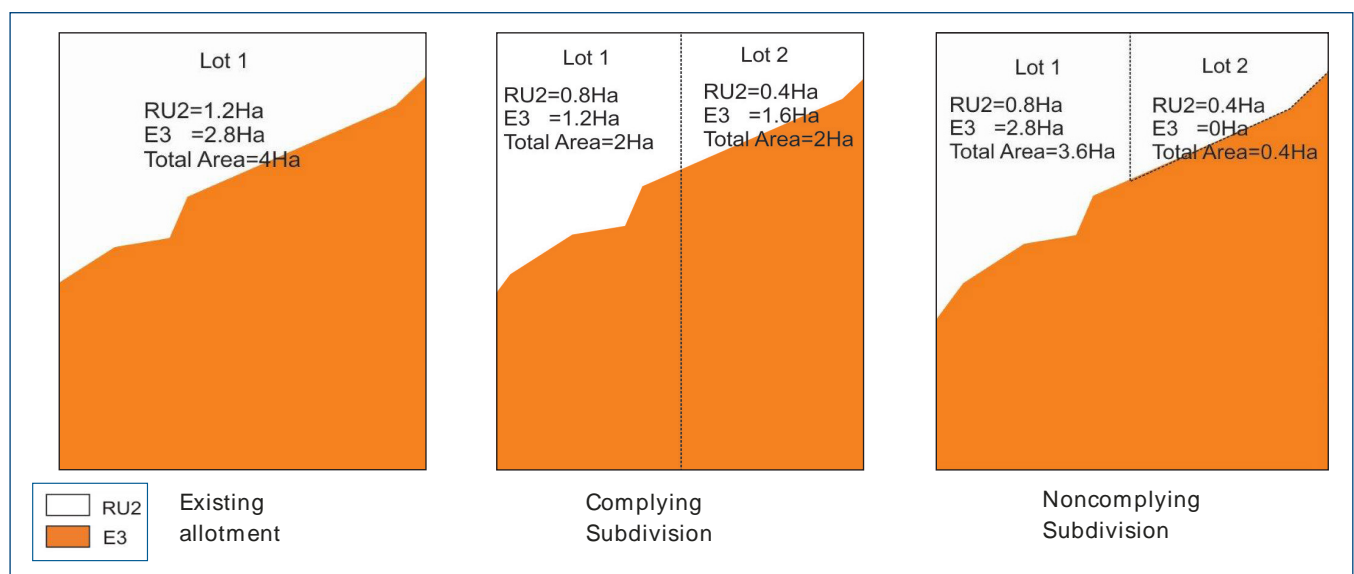


Figure 6.3(a) - Application of minimum lot size controls to land within different zones and different areas in the HLEP Maps. (eg. in the above example, the complying subdivision creates 2 lots both of which comply with the minimum lot size as they have both a total area in excess of the minimum rural zone lot size of 2 hectares and both include a component of rural zoned land greater than 1 acre)

- f. In addition, subdivision layout should generally provide for equal sized split zone lots with regular division lines. Such a layout would promote orderly subdivision where the burden of managing the environmentally sensitive land (eg. EC3 zoned land) is shared amongst a number of property owners, as illustrated in Figure 6.3(a), and in accordance with Clause 4.1B of the HLEP.
- g. The size of the proposed lot may need to be greater than the area prescribed in the table above in order to achieve the minimum setbacks required to significant landscape features or to address site constraints.

Lot Shape

- h. Lot design should identify a suitable developable area. This area is to accommodate the following:
- a minimum building envelope of 200m² with a minimum dimension of 10 metres,
 - area for an on-site waste water disposal system area that complies with Section 1C.2.4 of this DCP,
 - area for disposal of stormwater,
 - a principal private open space area,
 - area for parking 2 cars behind the building line, and
 - comply with the general provisions in Section 6.1.
- i. Accessways should be located so as not to require more than 1 metre of cut and fill.
- j. If existing rural buildings are to be retained, the proposed lot should be of sufficient size and design so that the development complies with the rural building controls in Section 2.1 of this DCP.

Notes:

A building envelope is the area of land identified for the purpose of the future erection of a rural dwelling and its immediate curtilage.

Open Space

- k. Subdivision design should provide a principal private open space area of 24m² for each lot. This area is to be generally level, with a minimum depth of 3 metres, sited adjacent to the building envelope and behind the front setback.

Setbacks

- l. Setbacks to the proposed building envelope should comply with Table 6.3(b):

Table 6.3(b): Minimum Boundary Setbacks

Minimum Setbacks	HLEP Lot Size Map Areas U and X	HLEP Lot Size Map Areas Z, AA, AB and AB1
Front Boundary (primary frontage)	10m or the average of the front setbacks of the nearest two neighbouring houses, whichever is the greater	15m to local roads 30m to designated roads
Secondary boundary (on corner lots)	5m	10m
Side boundary	5m	10m
Rear boundary	10m	15m

- m. For a lot that adjoins parallel roads, the front boundary setback control applies to both the primary frontage and the parallel road boundary.
- n. The proposed building envelope should comply with the minimum separations to intensive rural activities as detailed in Part 2 of the DCP.
- o. The setback of the building envelope and ancillary structures from the property boundary may need to be increased to comply with the general provisions in Part 1 and Section 6.1 of this DCP.

Notes:

Designated roads

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

6.4 Accessway Design

6.4.1 Residential and Rural Lands Accessway Design

The following provides controls for the accessway design of subdivisions in the low density residential areas and rural areas of Hornsby Shire. For other localities refer to the applicable parts of the DCP. For example, for subdivision in an Industrial Area the provisions of 5.1 Industrial land will apply.

Desired Outcomes

- a. To ensure access along private accessways to all new lots is simple, safe and direct.
- b. Driveways should not be visually intrusive to the existing streetscape.
- c. To limit the number of driveway crossings and additional dwellings with direct access to main roads to limit the cumulative impacts on traffic flows and safety.

Prescriptive Measures

Location

- a. Accessways should connect to local roads. No new direct vehicle access should be provided to the following main roads:-
 - Castle Hill Road (between Old Northern Road and Edward Bennett Drive, Cherrybrook)
 - Old Northern Road (between Castle Hill Road and New Line Road, Cherrybrook)
 - New Line Road (between New Farm Road and Sebastian Drive, West Pennant Hills, Cherrybrook and Dural)
 - Boundary Road (between New Line Road and Cherrybrook Road, Cherrybrook)
- b. Additional vehicle crossings should be limited to all other main roads .
- c. The distance between adjacent driveways should be less than 3 metres or more than 6 metres, to avoid the creation of an undersized on street parking space.
- d. On the eastern side of Arcadia Road between Galston Road and Gribbenmount Road:
 - vehicular crossings and driveways should be consolidated where possible, and
 - street tree planting should be provided within the road reserve.

Notes:

Refer to AS 2890.1:2004 for sight distance at driveway access exits.

Refer to Section 1.4.1. of the DCP for general design requirements related to transport and parking.

General Design

- e. The dimensions of an accessway should comply with Table 6.4(a).

Table 6.4(a): Accessways to Low Density Residential and Rural Lots

Lots and/or dwellings	Accessway width (min)	Carriageway width (min)	Landscape verge (min total)
1-3	3.5m	3.0m including kerbs	0.5m
4-6	4m	3.0m including kerbs	1m
7-24	6.65m	5.65m including kerbs	1m
>24	Comply with Council's H.S.C. Civil Works Design and Construction Specification		

- f. Carriageways should have a maximum grade of 25% at any point with a maximum average grade of 20% over the length of the carriageway for subdivisions of 1 to 3 lots. For subdivisions of 4 or more lots, the maximum gradient is 20%.

Note:

The carriageway is an unencumbered pavement with no building encroachments (including eaves) with a minimum height clearance of 4.5 metres.

Common Turning Areas

g. Accessways serving 2 or more lots should incorporate a common turning area, designed to allow the 85% Design Car Turning Path in accordance with AS 2890.1 and AS 2890.2, where:

- the site has a slope greater than 15%,
- the accessway fronts a main road or highly pedestrianised area, or
- where vehicles would otherwise have to reverse more than 50 metres.

Note:

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

A highly pedestrianised area includes sites located in close proximity to schools, shopping centres, bus stops, places of worship and other busy community facilities.

Passing Bays

h. A passing bay with a minimum width of 5.5 metres and depth of 6 metres and transition of 4 metres should be provided adjacent to the street boundary where the accessway:

- serves 7 or more lots, or
- serves 2 or more lots and fronts a main road.

i. A passing bay with a minimum width of 5.5 metres should be provided every 40 metres where a long common driveway is proposed.

Waste Collection Vehicles

j. Waste collection vehicles should be accommodated on-site if the accessway serves 7 or more lots, or where site constraints require.

k. When an on-site waste collection area is required, the development should:

- identify a bin collection area inside the property,
- enable waste collection vehicles to enter and exit the site in a forward direction, and
- be designed to accommodate Council's large waste collection vehicle per Section 1C.2.3 of the DCP.

Note:

The requirement to accommodate a large waste collection vehicle may result in the maximum carriageway gradient of 20-25% as prescribed in the general design controls, being unachievable.

Pedestrian and Bicycle Links

l. The subdivision design should provide convenient, obvious and safe pedestrian and bicycle links from the site to public transport facilities and local facilities.

Street Lighting

m. Accessways serving 7 or more properties should provide street lighting per AS 1158.3 and AS 4282.

Note:

Compliance with AS 1158.3 and AS 4282 may require bollard style lighting along private accessways to provide for lighting whilst limiting light spill into residential dwellings.

7.1 Community Uses

The following section provides guidelines for the development of land for community uses including child care centres, schools and places of public worship throughout Hornsby Shire.

7.1.1 Site Requirements

Desired Outcomes

- a. Community Uses with a site area that contributes to the achievement of desired urban design outcomes.
- b. Community Uses located to be readily accessible to users, promote the health and safety of the future occupants of the facility and minimise potential land use conflicts.

Prescriptive Measures

General

- a. The development site width of a school should not be less than 60 metres in urban areas, measured at the primary street frontage.
- b. The development site width of a place of worship in a residential area should be less than 50 metres, measured at the primary street frontage.
- c. Community uses should not be situated on:
 - battle-axe allotments, or
 - in a street, or portion of a street, ending in a cul-de-sac.

Note:

Preferred locations for the establishment of community uses include:

- corner sites, sites adjacent to non residential uses, sites with frontage to a park, and
- walking distance (i.e. 400m) to public transport facilities, local shopping facilities, schools, or other community facilities, and
- co-located with other community uses.

Environmentally constrained sites should be avoided for the establishment of community uses, such as steeply sloping sites, bushfire prone land, flood prone land, and the like.

Major Roads and Rail Corridors

- d. Community uses adjoining a major road or railway should be accompanied by a report that demonstrates the site is suitable for use in terms of acoustic amenity.
- e. Community uses adjoining a major road are to include siting and design measures to ameliorate the potential impact of vehicle emissions on the site.

Note:

See further details on Noise and Air quality controls refer to Part 1 of the DCP.

Separation from Intensive, Offensive or Hazardous Landuses

- f. Community uses should not be sited in close proximity to significant noise, dust or odour generating uses.
- g. Within the rural areas of the Shire, community facilities should comply with the minimum separations between intensive rural landuses and sensitive landuses as detailed in Section 2.2 of the DCP.
- h. Community uses in industrial areas should not be located within 100 metres of dangerous goods of a quantity requiring a notification to Workcover NSW, as measured from the location of the dangerous good to the nearest point of the site.

Notes:

Workcover notification for the storage of dangerous goods is covered by the OHS Regulation 2001, Explosives Act 2003 and the Radiation Control Act 1990. Applicants should contact Workcover's Dangerous Goods Licensing Unit on (02) 4321-5500 to apply for necessary site search/s for details on notifications received on dangerous goods.

The NSW Fire Brigade's operational guidelines require that in the event of a leak, spill or similar emergency, a 100m exclusion zone in all directions around the hazard may be established.

Contaminated Land

- i. A land contamination report should accompany an application for a community use on or adjacent to land that is potentially contaminated.

Notes:

~~SEPP 55 Remediation of Land~~ The Resilience and Hazards SEPP contains procedures for proponents of development on contaminated sites.

~~State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017~~ The Transport and Infrastructure SEPP (the SEPP) commenced on 1 September 2017 and establishes a new planning framework for child care and school development which includes some requirements which differ from Council policy. Accordingly, Part 7.1 of the HDGP should be read in conjunction with the SEPP.

7.1.3 Setbacks

Desired Outcomes

- a. Setbacks that are compatible with adjacent development and complement the streetscape.
- b. Setbacks that allow for the retention of significant landscape features and respect site constraints.

Prescriptive Measures

- a. The minimum setbacks of all buildings and structures to the boundaries of the site are prescribed in Table 7.1.3(a):

Table 7.1.3(a): Minimum Boundary Setbacks

HLEP Zone	Minimum Setbacks
Rural Zones	Apply setback controls for Rural buildings in Part 2 of the DCP
R2 Low Density Residential Zone,	Apply setback controls for Dwelling-Houses in Part 3.1 of the DCP, except for purpose built centres where the minimum side setback should be 2m.
R3 Medium Density Zone	Apply setback controls for Medium Density Housing in Part 3.2 of the DCP
R4 High Density Zones	Apply setback controls for Residential Flat Buildings that would otherwise be permissible in the zone in Part 3.3, 3.4, 3.5 of the DCP
Business Zones	Apply setback controls that would otherwise apply to Commercial development in Part 4 of the DCP
Industrial Zones	Apply setback controls that would otherwise apply to Industrial development in Part 5 of the DCP
Special Use and Recreation Zones	Apply setback controls for Dwelling Houses in Part 3.1 of the DCP, except apply 3m setbacks from side and rear property boundaries.

Setbacks to Landscape Features

- b. The setback of buildings and ancillary facilities from the property boundary may need to be increased to maintain landscape features, as detailed in Section 7.1.4 of this DCP.

Bushfire Asset Protection Zones (APZs)

- c. The setback of buildings should accommodate required bushfire APZs on the site as detailed in the 'Bushfire' element in Section 1C.3.1 of this DCP.
- d. APZs should be located within buffer areas that protect significant vegetation, threatened species and populations as detailed in the 'Biodiversity' element in Section 1C.1.1 of this DCP.

7.1.8 Design Details

Desired Outcomes

- a. Development that complements the streetscape.
- b. Child care centres that incorporate best practice design for larger sites or centres.

Prescriptive Measures

General Controls

- a. Building design should complement the desired future character of the zone, and include consideration of:
 - setbacks,
 - materials, textures and colours,
 - scale of building, height and bulk,
 - roof form, pitch,
 - landscaping,
 - facades, window placement,
 - fences and driveways,
 - street trees, and
 - balance between solid walls and openings.
- b. Buildings should provide elevations that address the street. Buildings on corner allotments should be designed to address both street frontages.
- c. Roof fixtures and lift overruns or service plants should be incorporated into the design of the roof to minimise visual intrusiveness and support an integrated building design.

Mixed Use Developments

- d. Where mixed use is proposed, the community use development should be designed to comply with the requirements of Part 7 and all other relevant provisions of this DCP.

Child Care Centre Building Facilities

- e. Childcare centres should provide unencumbered indoor play space per child in accordance with Table 7.1.8(a).

Table 7.1.8(a):

Child care centre indoor play space by Location

HLEP Zone	Minimum Play Space
Rural Zones	4.5m ² per child
Residential Zones	3.25m ² per child
Business Zones	3.25m ² per child
Industrial Zones	3.25m ² per child
Special Use and Recreation Zones and Existing School Sites	4.5m ² per child

Notes:

The above requires Best Practice standards for larger sites or developments. For the purposes of calculating unencumbered indoor play space, items such as any passage way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas or any other facility such as cupboards, staff rooms and offices are to be excluded.

For further guidelines on Best Practice refer to:

- *Early Childhood Australia Policy: Physical Environments for Centre Based Early Childhood Services*, and
- Matters included in *Best Practice Guidelines in Early Childhood Physical Environment* (DoCS 1997).

7.2 Community Housing

The following section provides guidelines for the development of land for seniors housing, boarding houses, group homes and hostels throughout Hornsby Shire.

7.2.1 Seniors Housing

Desired Outcomes

- a. Development with a bulk, scale and intensity that is compatible with the character of the area.

Prescriptive Measures

- a. Development for Seniors Housing should comply with the planning controls in ~~State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004~~ the Housing SEPP (as amended).

7.2.2 Boarding Houses

Desired Outcomes

- a. Development with a bulk, scale and intensity that is compatible with the character of the area.

Prescriptive Measures

- a. Development for Boarding Houses should comply with the planning controls detailed in ~~State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004~~ the Housing SEPP (as amended).

7.2.3 Group Homes

Desired Outcomes

- a. Development with a bulk, scale and intensity that is compatible with the character of the area.

Prescriptive Measures

- a. Development for Group Homes should comply with the planning controls detailed in ~~State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004~~ the Housing SEPP (as amended).

Note:

The complying development provisions within Schedule 2 of the SEPP will be used as a guideline in assessing development applications for group homes.

7.4 Temporary Events

The following section provides guidelines for the development of land for a temporary use as permitted by Clause 2.8 of the HLEP. It is envisaged that these guidelines would apply to infrequent community events such as markets, music festivals, circus, and the like.

Desired Outcomes

- a. A temporary use of land that provides a positive economic, social or environmental benefit.

Prescriptive Measures

General

- a. Sites for the temporary use of land should incorporate:
 - setbacks to sensitive landuses that minimise any impacts,
 - areas for the proposed use, ancillary structures and customers,
 - parking on-site or in the immediate vicinity to cater for anticipated demand, and
 - toilets to cater for anticipated demand.
- b. Existing buildings to be used for a temporary community event should:
 - address the site requirements above, and
 - incorporate fire safety measures in the existing building for the temporary use.
- c. The temporary use should incorporate design measures that minimise any external impacts.

Lighting

- d. External and security lighting should be positioned to avoid light spillage, particularly to adjacent residential development.

Noise and Air Pollution

- e. Temporary uses should be sited and designed to minimise offensive noise and odours to residential areas and other sensitive land uses.

Waste Management

- f. Development should make provision for on-site waste storage.

Notes:

In addition to the above, matters for consideration for temporary uses are detailed in Clause 2.8 of the HLEP.

Preferred locations for the establishment of temporary community events include large recreation areas, large sites adjacent to non residential uses, and sites within walking distance to public transport facilities.

Environmentally constrained land should be avoided for the establishment of temporary community events, such as steeply sloping sites, bushfire prone land, flood prone land, and the like.

For intensive traffic generating developments, a traffic management plan may be required.

For offensive noise generating uses (such as music concerts), an acoustic report may be required.

Proponents should also refer to the requirements of State Environmental Planning Policy (Temporary Structures) 2007.

8.1 River Settlement Land

The following section provides controls for the development of land zoned **E3 C3** Environmental Management, **E4 C4** Environmental Living, **IN4** Working Waterfront and **SP3** Tourist (Brooklyn).

8.1.1 Desired Future Character

Desired Outcome

- a. Development that contributes to the desired future character of the area.

Prescriptive Measures

- b. Development applications should demonstrate compatibility with the following statements of desired character:

Berowra Waters

Berowra Waters is dominated by the operations of the ferry crossing, commercial marinas and associated buildings on either side of the river. New development is sympathetic to the existing bushland and landscape setting. Dwellings are a mix of 1 and 2 storeys in height and respond to the natural topography. The scale of new development has a village atmosphere.

Brooklyn

Brooklyn continues to play a vital role in the maritime operations of the river, providing a transport interchange, maritime services facilities, commercial fishing, and a gateway for tourists, visitors and residents of the Hawkesbury River. Redevelopment of the foreshore area prioritises the retention of vegetation such as mangroves. Dwellings are a mix of 1 and 2 storey dwellings, with pole design homes stepping up the hillside on the southern side of Brooklyn Road.

Calabash Point

Calabash Point consists mainly of shallow building platforms terraced along the water's edge at the base of the escarpment. The topography of the area dictates that new houses are sited according to the natural landform, with pole design for steeper sites. New dwellings are generally 2 storeys in height. The water's edge retains the natural landform and limits the inclusion of urban elements, such as seawalls and swimming pools.

Coba Point

Coba Point has a mix of 1 and 2 storey dwellings nestled in the bushland along the foreshore. New dwellings take advantage of the sweeping views available north up the river, while blending in with the surrounding landscape. Roofs are low pitched or flat.

Dangar Island

Dangar Island is a unique bushland island settlement, essentially free of vehicular traffic, predominantly residential in use. Topography divides the island into 2 distinct parts - an open flatter more urban part and a steeply sloping bushland area. Dwellings in the flatter more open part of the site are 1 and 2 storeys in height. Development on the steeper bushland are of pole design with decks and undercrofts clinging to the hillside.

Fishermans Point

Fishermans Point remains an isolated settlement. Dwellings are set on large lots surrounded by bushland. Development is setback from the river and not readily viewed from the water.

Marra Marra Creek

Marra Marra Creek is an isolated river settlement set amongst the mangroves. The remoteness of the area reinforces the sparseness of development. New dwellings are single storey of modest design with a fibro or weatherboard appearance and pitched roofs.

Milsons Passage

Milsons Passage continues to be a relatively remote weekender style residential settlement. New dwellings are typically single storey elevated above the river level, with boat sheds, jetties and ramps lining the foreshore. Some new development on steeper land takes the form of pole homes with a fibro or weatherboard appearance and pitched roofs.

Neverfail Bay

Neverfail Bay retains a range of dwelling types. Traditional 1 and 2 storey development of weatherboard and fibro appearance with modest low pitched roofs are built on lower, more level areas. Elevated slopes incorporate pole homes with bushland settings. Native vegetation is retained to assist screen buildings and reduce overall scale.

Sunny Corner

Sunny Corner remains an isolated settlement. Dwellings are single storey either hugging the level river banks or setback in the bushland. Dwellings are screened by indigenous vegetation.

8.1.2 Scale

Desired Outcome

- a. Development with a height, bulk and scale that protects and maintains the environmental and scenic qualities of the area.

Prescriptive Measures

Height

- a. Sites with the following maximum building heights under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 8.1.2(a).

Table 8.1.2(a): Translation of Height to Storeys

HLEP Area	Maximum building height (m)	Maximum Storeys
I	8.5m	2 storeys
K	10.5m	2 storeys

- b. Buildings should not protrude above the predominant tree canopy.
- c. Two storey dwellings should:
- have a maximum floor to floor height of 3.5 metres, and
 - be stepped in design with single storey on the waterfront and the 2 storey component towards the rear.
- d. Any part of a building within 5 metres of the Mean High Water Mark (MHW) should be single storey.

Notes:

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

Storey means a space within a building that is situated between one floor and the floor level next above, or if no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

Mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

Floor Area

- e. The maximum floor space ratio shall be in accordance with the HLEP Floor Space Ratio Map as follows:

Table 8.1.2(b): Summary of HLEP FSR Provisions

HLEP Area	Maximum Floor Space Ratio
A2	0.3:1
D	0.5:1

- f. In addition to the above, the maximum floor area of buildings should comply with the following:

Table 8.1.2(c): Maximum Floor Area by Location

Location	Maximum Dwelling House Floor Area	
EC3 Environmental Management Zone	Lot size	Maximum floor area
	450m ² to 599m ²	330m ²
	600m ² to 899m ²	380m ²
	900m ² or larger	430m ²
EC4 Environmental Living Zone	180m ² for dwelling-houses, and 30m ² for boat sheds	

Notes:

Floor area of a dwelling house includes carports, garages, balconies, patios, pergolas, terraces or verandahs which are attached to the house and have two enclosing walls of at least 1.4 metres above floor level. The calculation of floor area is the total of both the ground and upper floors (if there is one) not including awnings, eaves, voids, stairways or lift shafts.

As detailed in Clause 4.5 of the HLEP the Floor Space Ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. See the HLEP for the definition of Gross Floor Area.

Lot size (or site area) in relation to development, means the area of the lot to which an application for consent to carry out the development relates, excluding:

- (a) any land on which the development is not permitted under an environmental planning instrument, and
- (b) if a lot is a battle-axe or other lot with an access handle, the minimum lot size excludes the area of the access handle.

Site Coverage

- g. The maximum site coverage of all buildings on a property in the SP3 Zone should comply with Table 8.1.2(d):

Table 8.1.2(d): Maximum Site Coverage - SP3 Zone

Lot size	Maximum site coverage (% of total lot size)
450m ² to 899m ²	50%
900m ² to 1499m ²	40%
1500m ² or larger	30%

- h. Dwellings in the EC4 Environmental Living Zone should be broken up into small elements or pavillions with a maximum footprint in any single element of 90m² (see Figure 8.1(a)).

Note:

Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

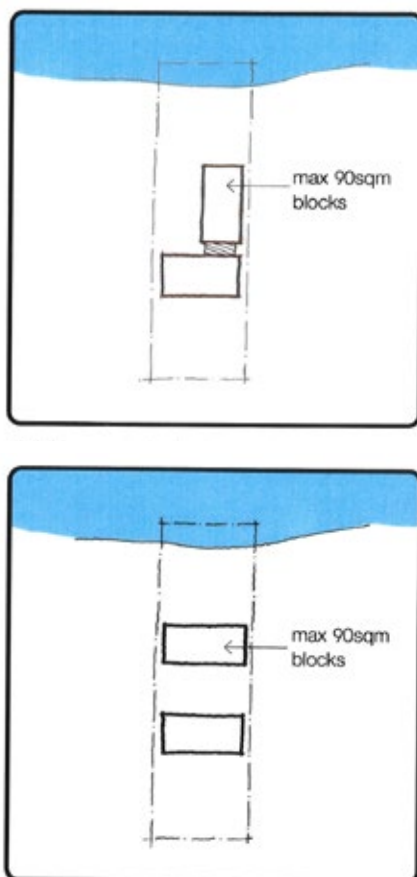


Figure 8.1(a): Buildings in the EC4 zone are to be broken up into smaller 'elements' to ensure a more appropriate scale to the built structures along the waterway.(l)

8.1.8 Design Details

Desired Outcomes

- a. Building design that complements the desired character of the River Settlements.
- b. Building design that is sympathetic to the topography of the site and limits large substructure areas that are visible from the waterway and public areas.
- c. Development that incorporates environmentally sustainable design and construction.

Prescriptive Measures

General

- a. Development should be designed to:
 - be consistent with the desired character of the area and dominant design themes within the immediate area, including roof pitch, materials, colours, textures and window placement,
 - address all river and street frontages,
 - have a maximum cut and fill of 1 metre from existing ground level,
 - retain public access to the foreshore,
 - maintain existing commuter berthing facilities, and
 - ensure minimum impact on the waterways water quality and downstream users.
- b. Dwelling houses should be designed to:
 - incorporate pole or pier construction methods on steeply sloping sites,
 - limit the visual impact of large undercrofts that are visible from the waterway and public areas,
 - be sited on the lower foot slopes of allotments in the River Settlements rather than on ridge lines, and
 - reduce the perceived building bulk by avoiding large unbroken roof planes, and incorporate lightweight features to articulate the facade, such as verandahs, decks, awnings and screens.

- c. Commercial buildings should be designed to:
 - provide active commercial ground-floor uses that are at the same general level as the public footpath and are accessible directly from the public domain,
 - provide frontages on upper levels that facilitate passive surveillance of the street,
 - distinguish between the commercial and any residential component of the development in terms of building entries and private, communal and public open space,
 - identify a safe, clear and direct pedestrian entrance to the building from the primary street frontage,
 - incorporate awnings that relate to the architecture of the facade and provide for continuous shelter for pedestrians, and
 - embody active living principles.

Materials and Colours (EC3 and EC4 Zones)

- d. Buildings should be of lightweight timber and steel construction with a weatherboard and fibro cement appearance and corrugated iron roofing.
- e. Solid masonry, brick or stone buildings and terracotta or slate roofing is discouraged.
- f. Louvred windows are encouraged.
- g. Buildings should be painted in dark, neutral tones. Primary colours should not be used.
- h. Bright or light colours (excluding white) should only be used in small areas of buildings as highlights.

Notes:

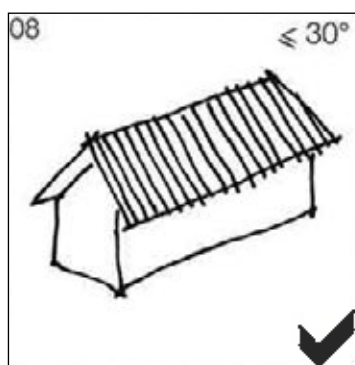
Building design should have regard to the scenic quality requirements of Sydney Regional Environmental Plan No. 20 which encourages small unobtrusive buildings and landscaping to screen and break up building appearance. It also precludes seawalls and the construction of fences to the waterfront.

To achieve active living principles development should have regard to NSW Health's *Healthy Urban Development Checklist* and the National Heart Foundation's *Blueprint for an Active Australia*.

Roof Forms (EC3 and EC4 Zones)

- i. Roofs should have a maximum pitch of 30 degrees and should not be curved as illustrated in Figure 8.1(k).
- j. Roofs should have a maximum single roof plane of 90m² in plan area as illustrated in Figure 8.1(l).

- k. Roofs should be constructed of lightweight materials such as metal deck roofing rather than roof tiles as illustrated in Figure 8.1(m).
- l. Habitable roof spaces are discouraged and dormer windows should not be incorporated into roofs as illustrated in Figure 8.1(n).



Appropriate

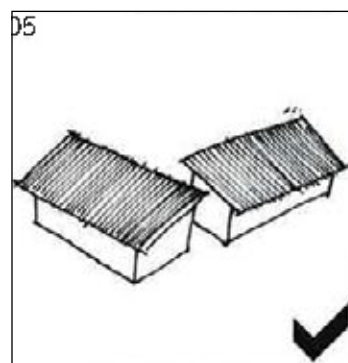
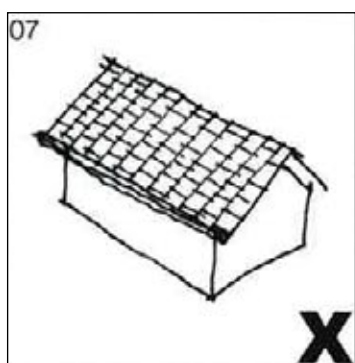


Figure 8.1(k): Metal roofs with a pitch equal to or less than 30 degrees are encouraged.(l)

Figure 8.1(l) Roofs should be 'broken' up into smaller areas.(l)



Inappropriate

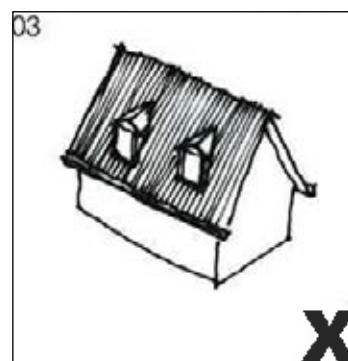


Figure 8.1(m) Tiled roof forms are strongly discouraged.(l)

Figure 8.1(n) Dormer windows should not be incorporated into roofs.(l)

9.3.12 East Epping Heritage Conservation Area—Character Statement

The location of the East Epping Heritage Conservation Area is depicted in Figure 9.3(k).

History

- a. The East Epping Heritage Conservation Area comprises part of the Field of Mars Common which was released for subdivision in 1886.
- b. Opening of the railway line in 1886 and new road networks preceeded a period of rapid development. Railway workers and wider population were attracted to the area and local farmers prospered having more access to markets.
- c. The name “Epping” was officially adopted for the area in 1899, derived from the many trees in the area after “Epping Forest” in England. The streets were named after English counties or towns as the area was described like a “country village”.
- d. Completion of Epping Road in 1940 and improvement of road networks led to an Inter-war period of subdivision and development. Further development continued into the 1950s Post-war period which saw a significant change to the character of the area.

Description

- a. The East Epping Heritage Conservation Area represents an area of housing that has remained largely intact. It retains many elements of the various housing styles and the early subdivision patterns from the 1886 to the period just after the Second World War.
- b. The housing styles characteristically include single detached houses from the Federation, Inter-war and Post-war periods with some earlier Victorian housing and late 20th century development located between.
- c. A number of heritage listed items are located within the area, many of which occupy prominent corner sites and make a positive visual contribution to the streetscapes. Some items are distinctive and unique features in the streetscape or are relatively rare examples in the local area.
- d. The area is characterised by wide, dual carriageways, wide grassed verges and pedestrian footpaths.
- e. A number of mature native and introduced, ornamental trees and plantings generally line the streets. Together with individual garden settings and plantings, the landscape elements enhance the built context.

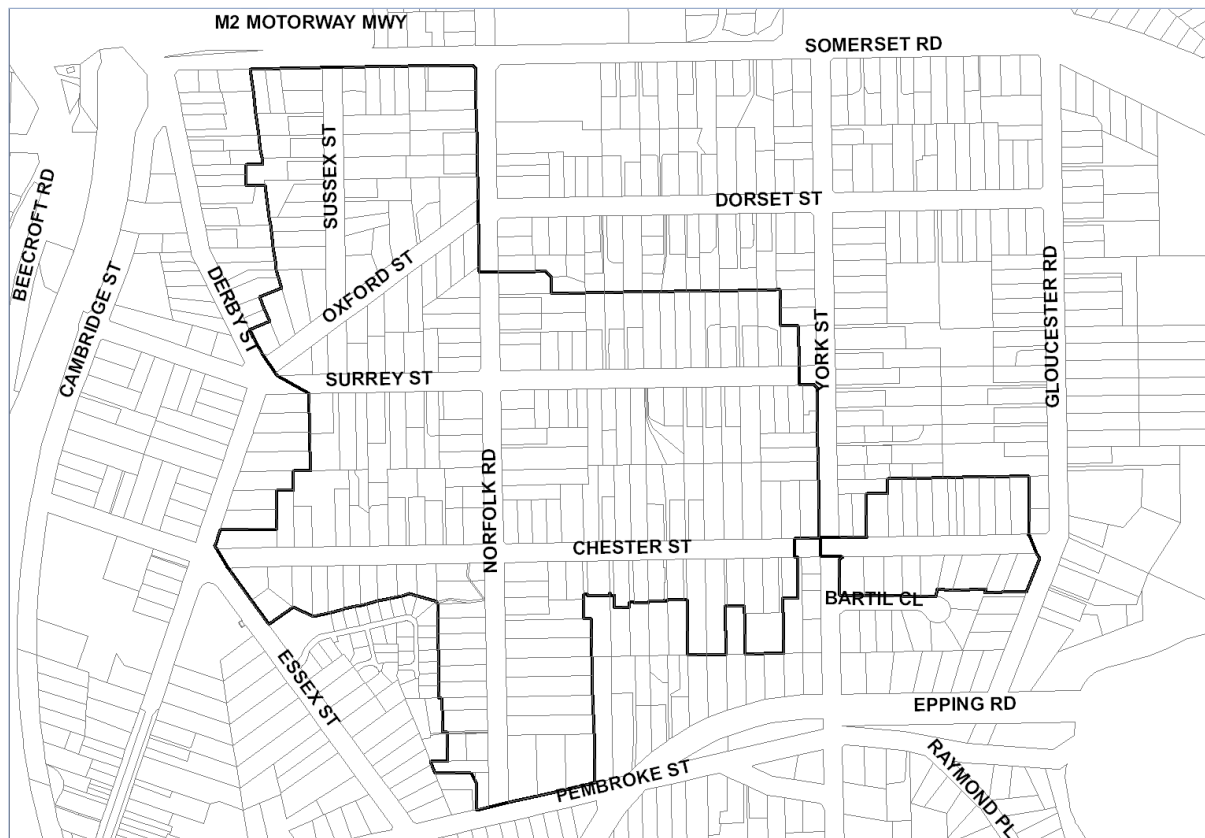


Figure 9.3(k): East Epping Heritage Conservation Area. (C)

- f. A number of houses retain original and complementary fences which contribute to the suburban garden setting.
- g. The early natural character and topography of the area is indicated by extant rock forms, undulating streets, sloping sites and the number of native trees and plantings.
- h. The streets and subdivision generally comprises a regular grid type pattern, with the exception of Oxford Street, and Norfolk Road forming the main spine of the conservation area.
- i. The character of the area is unified by the similarity in allotment sizes, scale of building and openings, setbacks from the street, fencing, detailing and landscape elements.

Statement of Significance

- j. The East Epping Heritage Conservation Area is of high local historic and aesthetic significance as a good representative example of late 19th century subdivision. It retains a good and largely intact example of Federation, Inter-War and Post-war period residential development that represents the major period of growth and development of the Epping area.
- k. The area significantly retains most of its original 1886 subdivision and streetscape pattern with mostly single detached houses.
- l. The built context is enhanced by the local topography and native plantings, wide street proportions, street trees and garden settings.
- m. The Epping Public School site on Norfolk Road established in 1900 and the Inter-war period Uniting Church at the intersection of Chester, Oxford and Essex Streets are of historic and social significance to the locality.

Prescriptive Measures

- a. Development within the East Epping Heritage Conservation Area should be in accordance with the general controls within Part 9.3 and the additional prescriptive measures in Table 9.3.12(a).

Table 9.3.12(a): Additional Prescriptive Measures - East Epping HCA Provisions

Element	Additional Prescriptive Measures
Demolition	Buildings from the Victorian, Federation, Inter-war and Post-war periods should be retained.
Streetscape character	<p>Development should be single storey.</p> <p>New openings on the facades of heritage items and contributory buildings should be avoided.</p> <p>Windows should be vertically proportioned or broken up into vertically proportioned components.</p> <p>Dormer windows should be located to the rear of buildings.</p> <p>Articulation should be used to break up building mass through the use of elements such as bay windows, entry gables and front verandahs.</p> <p>Existing roof forms on heritage items and contributory buildings should be retained.</p> <p>Hipped and gabled roofs should be used.</p> <p>New development should be consistent with the existing scale of buildings, openings and setbacks from the street.</p> <p>Extensive cut and fill or retaining walls that visually disrupt the natural landform or streetscape character should be avoided.</p> <p>Development should retain large enough gardens in front and rear yards to include medium to large trees.</p>
Materials and finishes	<p>Original building fabric, details and materials that are components of significant and contributory buildings or landscape elements should be retained.</p> <p>Clean faced brick (red/brown colours) or weatherboards should be used for walls.</p> <p>Rendered or painted brickwork, or timber joinery can be used for small areas or feature elements.</p> <p>Existing face brick should not be painted or applied with a rendered finish.</p> <p>Traditional materials, such as slate or terracotta tiles should be used for new roofs.</p> <p>Replacement roofs should complement the period and style of the building.</p> <p>Replacement windows should match existing or complement the period and style of the building.</p>

9.6.14 Public Domain and Traffic Management Works

Desired Outcomes

- a. A public domain that encourages vitality around and within development precincts.
- b. Traffic management works which provide for the safe and efficient movement of vehicles to, from and within precincts.

Prescriptive Measures

Public Domain

- a. Development of the public domain should make each precinct an attractive place that encourages development and provides amenity for residents.
- b. Embellishment of the public domain should include street furniture, new street plantings, and footpath improvements.
- c. All active street frontages in mixed use developments should have fully paved verges.
- d. Pedestrian linkages shown on the key development principles diagrams and town centre linkage diagrams (Annexure B) should be provided and reinforced as safe, accessible and vibrant pedestrian areas.
- e. Mixed use development within centres should enhance the role of the public domain as a meeting and gathering place and should encourage active use of the public domain through active street frontages.
- f. Where required, ground level walkways between mixed use buildings should be open air, attractive pedestrian thoroughfares which encourage activity.
- g. Balconies should not be located on, or overhang the road reservation.
- h. For development incorporating shopfront awnings, the awnings should be continuous and setback from the edge of the kerb in accordance with Council or the Roads and Maritime Services requirements.

Note:

Main roads

Development adjoining roads that are subject to ~~Clause 101 (2a) of the Infrastructure State Environmental Planning Policy 2007~~ Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

Outdoor Dining

- i. Outdoor dining areas should be located in areas with good amenity, landscape, outlook, solar access in winter, shading in summer and a compatible local traffic environment.

Note:

Outdoor dining proposed on Council land should comply with Council's Outdoor Dining Code.

Traffic Management Works

- j. Traffic Management works should be undertaken in accordance with the traffic improvements identified in the key development principles diagrams.
- k. Council or the relevant authority will undertake the necessary traffic management improvements located on public land and roads. Development should be designed to accommodate and complement the proposed traffic improvements or offer alternative traffic management solutions.
- l. Development proposing alternative traffic management solutions should be accompanied by a comprehensive traffic assessment.

Note:

This DCP will inform Council's Civic Works Program and Street Tree Planting Program.

Annexure A

Glossary of Terms

Term	Glossary
AHD	Australian Height Datum
Asset Protection Zone (APZ)	An area surrounding a development managed to reduce the bush fire hazard to an acceptable level, to protect human life and property. The width of an APZ will vary with slope, vegetation and level of construction.
AS 1289	Australian Standard 1289.0 - Methods of testing soils for engineering purposes - General requirements and list of methods
AS 1428.1	Australian Standard AS 1428.1 - Design for access and mobility - General requirements for access - New building work.
AS 2890.1	Australian Standard 2890.1 - Parking facilities - Off-street car parking.
AS 2890.2	Australian Standard 2890.2 - Parking facilities - Off-street commercial vehicle facilities.
AS 2890.3	Australian Standard 2890.3 - Parking facilities - Bicycle parking facilities.
AS 2890.6	Australian Standard 2890.6 - Parking facilities - Off-street parking for people with disabilities.
AS 3798	Australian Standard 3798 - Guidelines on earthworks for commercial and residential developments.
AS 3595	Australian Standard 3595 - Construction of buildings in bushfire-prone areas
AS 4282	Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting.
AS 4299	Australian Standard AS 4299 - Adaptable housing.
AS 4373	Australian Standard AS 4373 - Pruning of Amenity Trees.
AS 4970	Australian Standard 4970 Protection of Trees on Development Sites.
Building height (or height of building)	The vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
Building Setback	The minimum distance that a wall, window or outer-most part of the building is required to be from a property boundary. It is measured as the horizontal distance between the proposed wall, window or outer most part of the building and the boundary.
Council	Hornsby Shire Council
DCP	Development Control Plan
EP&A Act	Environmental Planning and Assessment Act 1979
habitable room	is any room used for normal domestic activities, including living, dining, family lounge, bedrooms, study, kitchen, sun room and play room
HLEP	Hornsby Local Environmental Plan 2012 ²³