Hornsby Development Control Plan 2024

Part 1 General

1 General

1.1 Introduction

1.1.1 Preamble

This Development Control Plan (DCP) applies to all land within the Hornsby Local Government Area. This plan is called the Hornsby Development Control Plan 2024.

1.1.2 Commencement date

This DCP was adopted by Council on 10 July 2024 and came into effect on 18 July 2024. It is subject to amendments, which are listed in the Schedule of Amendments at the end of this part.

1.1.3 Objectives

The objectives of this DCP are to:

- Provide a comprehensive document that provides a framework for development of land in the Hornsby Local Government Area,
- Clearly set out the processes, procedures and responsibilities for the involvement of the community and key stakeholders in the development of land,
- Promote development that is consistent with Council's adopted Local Strategic Planning Statement and Sustainable Hornsby 2040 Strategy,
- Protect and enhance the natural and built environment, and ensure that satisfactory measures are incorporated to ameliorate any impact arising from development,
- Encourage high quality development that contributes to the existing or desired future character of the area, with particular emphasis on the integration of buildings with a landscaped setting,
- Protect and enhance the public domain,
- Minimise risk to the community, and
- Ensure that development incorporates the principles of Ecologically Sustainable Development (ESD).

1.1.4 Strategic context

The planning controls within this DCP are informed by Council's studies and adopted strategies including:

Hornsby Local Strategic Planning Statement (LSPS) (2020)

a. The Hornsby LSPS sets out a 20-year vision for land use; the special character and values that are to be preserved; shared community values; and how Hornsby Council will manage growth and change. The planning priorities identified within the LSPS will help guide land use decisions and earmark changes to our local land use plans, strategies and policies over the next 20 years.

Sustainable Hornsby 2040 Strategy (2021)

b. The Sustainable Hornsby 2040 Strategy provides an overarching framework to achieve an innovative and environmentally sustainable Shire with resilient, diverse and thriving communities and ecosystems.

Hornsby Biodiversity Conservation Strategy (2020)

c. The purpose of the Biodiversity Conservation Strategy is to guide Council and the community to protect, conserve, manage and sustain the biodiversity that exists within Hornsby Shire. The Strategy considers why biodiversity conservation is important and provides priorities for action. Goals of the Strategy include:

   - Conserve, manage and enhance biodiversity upon both public and private lands within the LGA;
   - Identify 'best practice' methods for managing and conserving biodiversity; and
   - Ensure environmental planning instruments and processes provide a strategic approach to achieving biodiversity conservation outcomes.

Hornsby Shire Sustainable Total Water Cycle Management Strategy (2005)

d. The Hornsby Shire Sustainable Total Water Cycle Management Strategy promotes the implementation of sustainable total water cycle management. Sustainable water practices include:

   - Maintenance of natural water courses,
   - Adoption of current best management practices to reduce the quantity and improve the quality of runoff, and

- Minimised use of reticulated water through conservation practices and reuse of stormwater.

Hornsby Integrated Land Use and Transport Strategy (ILUTS) (2005)

e. An objective of ILUTS is to reduce car travel by promoting other modes of transport. This includes promoting land use patterns and development controls that support the development of public transport services and the use of sustainable alternatives.

Hornsby Employment Land Study (2021)

f. The Employment Land Study supports the Hornsby LSPS by identifying the key economic and employment issues affecting Hornsby Shire and providing directions to support sustainable growth of employment lands in the Shire.

Hornsby Shire Housing Strategy (2010) and Hornsby Local Housing Strategy (LHS) (2020)

g. The Hornsby Shire Housing Strategy (2010) identifies areas suitable for the provision of additional housing to assist meet Council's housing obligations into the future.

h. 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.

i. The Hornsby LHS (2020) outlines a 20-year vision and priorities for housing in Hornsby Shire in response to the Greater Sydney Region Plan and North District Plan. Objectives include:

- Promoting design excellence to ensure delivery of high quality housing,
- Minimising environmental impact and promoting ESD, and
- Promoting sustainable locations for housing growth close to transport.

Hornsby Shire River Settlements and Foreshore Review (2007)

j. The Hornsby Shire River Settlements and Foreshores Review investigate 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), Hornsby Shire Rural Lands Planning Provisions Review (2009) and Hornsby Shire Rural Lands Strategy (2022)

k. The Hornsby Shire Rural Lands Study (1995) 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.

l. The Hornsby Shire Rural Lands Strategy (2022) provides key principles and place-based recommendations for managing Hornsby Shire's rural lands into the future and addresses obligations for rural lands prescribed by the State Government. It sets a strategic direction for rural areas and informs amendments to planning controls.

Public Domain Guidelines (2021)

m. The Public Domain Guidelines include both generic controls to guide the development of the public domain across all urban areas of Hornsby Shire as well as specific projects within the nominated five housing strategy areas where major development is expected to occur: Asquith, Waitara, Beecroft, Thornleigh and West Pennant Hills.

Hornsby Town Centre Masterplan (2023)

n. The Hornsby Town Centre Masterplan seeks to guide the future growth of the Hornsby Town Centre with opportunities for 4,900 new dwellings and 4,500 new jobs. It is envisioned that the future dwellings would be provided in slim-line residential towers up to 36 storeys in height and clustered around the train station and mall.

1.1.5 Relationship to other plans and policies

a. This DCP is made under Section 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 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 1.2.6 prescribes controls for trees or other vegetation for the purpose of preservation.

1.1.6 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 an infrastructure. These developments will also need to address:

- The Hornsby Shire Council Section 7.11 Development Contributions Plan 2020 – 2030.
- The Hornsby Shire Council Section 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 Contribution Plans are available for viewing on Council's website www.hornsby.nsw.gov.au.

1.2 Administration

1.2.1 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 1.2.1-a provides a summary of the DCP parts and where they should be applied.

c. DCP Parts 2 to 9 inclusive incorporate an introductory statement that provides a more detailed strategic context for the planning controls within the Part.

d. The applicability of each Part and/or Section of the DCP is described under the heading to each Part and/or Section. An example of the applicability of the DCP to various development types is provide in Table 1.2.1-b.

Table 1.2.1-a: Description of DCP Parts

DCP Part	Summary of applicability
Part 1 – General	Part 1 provides general controls that apply to all development applications. Section 1.1 explains the purpose of the DCP. Section 1.2 provides administrative provisions including how to use the DCP, Notification and Exhibition requirements and Tree and Vegetation preservation controls. Section 1.3 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 land uses. Section 2.3 provides Village Masterplans within the rural area. Section 2.4 provides controls for land zoned RU5 in Dural Village. Section 2.5 provides controls for extractive industries.
Part 3 – Residential	Part 3 provides controls for development of prescribed residential land uses 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 an Employment Zones E1, E2, E3 or MU1.
Part 5 – Industrial	Part 5 provides controls for development of land in Employment Zone E4..
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: child care 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 land uses, 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 heritage conservation areas (HCA). 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 HCAs. Section 9.4 applies to land in the vicinity of heritage items and HCAs. 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.

Table 1.2.1-b: Example of Application of DCP Controls

DCP Part and Section	Dwelling house (residential zones)	Dwelling house (Rural zones)	Dwelling house in Heritage Conservation Area	Dwelling and Jetty in Brooklyn (R2 zone)	Townhouses (R3 zone)	Residential flats (5 storey precinct)	Mixed use building (Beecroft)	Place of worship (E4 General Industrial)	Residential subdivision (R2 zone)	Rural subdivision (Rural zone)	Child care centre (R2 Low density residential)
1 General	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.1 Rural buildings		✓								✓	
2.3 Village Masterplans	*	*							*	*	*
3.1 Dwelling houses	✓		✓	✓					*		
3.2 Medium density housing					✓						
3.4 Residential flat buildings (5 storeys)						✓					
4.1 Commercial centres hierarchy							✓				
5 Industrial								✓			
6.1 Subdivision (General provisions)									✓	✓	
6.1 Residential subdivision									✓		
6.3. Rural subdivision										✓	
6.4 Accessway design									✓	✓	
7.1 Community uses								✓			✓
8.2 River settlement uses				✓							
9 Heritage	*	*	✓	*	*	*	✓	*	*	*	*

Legend

✓ Applicable

* Section may be applicable

1.2.2 Desired outcomes, prescriptive measures, figure 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 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 I,
- 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.

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.

1.2.3 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.

1.2.4 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 2021.

m. Development Applications for buildings 10 storeys or more, should be accompanied by a digitally produced, 3D massing model and information as described within:

- State Environmental Planning Policy (Housing) 2021, 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 www.hornsby.nsw.gov.au.

1.2.5 Notification and exhibition

The public exhibition strategy for a notifiable Development Application (DA) is outlined in Council's Community Engagement Plan. The Community Engagement Plan has been prepared in accordance with the EP&A Act and applies to all DAs lodged within Hornsby Shire.

For more information, refer to www.hornsby.nsw.gov.au.

1.2.6 Tree and Vegetation Preservation

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

1.2.6.1 Tree Preservation

Prescribed Trees

a. The prescribed trees that are protected by the 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 1.2.6-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 Aboriculture.
- **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 and Biodiversity Conservation Regulation 2017. 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 DPE 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 1.2.6-a: Exempt Tree Species in Hornsby Shire

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

Note:

Further information on exempt tree species in Hornsby Shire is available on Council's website www.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 AS 4373 Pruning of Amenity Trees 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 (AQF.5) 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 1and 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 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 1.2.6-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 1.2.6-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 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 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 Work includes Construction (driveways, concrete slabs, retaining walls) and earthworks (changes in soil levels, embankments, trenching)	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 4.55 Application

h. For the purpose of Table 1.2.6-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 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 Quantified Tree Risk Assessment (QTRA).

k. Where trees are to be retained, the provisions of AS 4970 Protection of Trees on Development Sites must be applied.

l. All tree pruning work must be carried out in accordance with 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 1.3.1.1 Biodiversity of this DCP.

Works involving heritage items and heritage conservation areas should also have regard to Part 1 Heritage of this DCP.

Section 2.12 of the 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 DPE website www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap .

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

Table 1.2.6-c: 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

1.2.6.2 Vegetation Preservation

Prescribed Vegetation

a. The prescribed vegetation that is protected by 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 and Biodiversity Conservation Regulation 2017. 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 DPE 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 1.2.6-d.

Table 1.2.6-d: 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, E1, E2, E3, E4 and MU1)	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 1.2.6-d 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 Section 2.10(3) of the 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 1.2.6-e 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 1.2.6-e: Type of Tree 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 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 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 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 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 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 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 1.2.6-d 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 1.3.1.1 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 2.12 of the 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 DPE website www.lmbc.nsw.gov.au/Maps/index.html?viewer= BOSETMap. The Biodiversity Conservation Regulation 2017 sets out the following SBV Area Thresholds:

Table 1.2.6-f: 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

1.3 General Controls

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

1.3.1 Natural Environment

1.3.1.1 Biodiversity

HLEP Clause 6.4 contains provisions for development of land identified as Biodiversity on the Terrestrial Biodiversity Map.

The following controls apply to land with biodiversity value, including land affected by the HLEP provisions.

Desired Outcomes

a. Development that provides for the conservation of biodiversity including threatened species and populations, endangered ecological communities, remnant indigenous trees, regionally and locally significant terrestrial and aquatic vegetation.

b. Development that maintains habitat for native wildlife and wildlife corridors to provide for the movement of fauna species.

Prescriptive Measures

General

a. Development should seek to:

- avoid potential adverse impact on biodiversity,
- if that impact cannot be avoided, minimise that impact, or
- if the impact cannot be minimised, to mitigate the impact.

b. A flora and fauna assessment is required for development that may impact on:

- land mapped as Biodiversity on the HLEP Terrestrial Biodiversity Map, or
- native vegetation which is habitat for species listed in Schedule 1 and 2 of the Biodiversity Conservation Act 2016.

c. Development should avoid the fragmentation of existing native vegetation.

d. Development should seek to retain unique environmental features of the site including:

- rock outcrops,
- wetlands and the like,
- watercourses, drainage lines and riparian land,
- groups of significant trees and vegetation, and
- mature hollow trees and other fauna habitat features on the site.

e. Development should incorporate and maintain a buffer zone to significant flora and fauna. Development should not include buildings, structures and earthworks within the required buffer zone prescribed in Table 1.3.1-a.

Table 1.3.1-a: Buffer Zones to Vegetation Types

Significant Vegetation Type	Minimum Buffer Zone (metres)
Endangered ecological communities and regionally significant bushland (as mapped in the HLEP Terrestrial Biodiversity Map	20m
Wetland or saltmarsh plant communities	20m
Populations of threatened flora species, habitat for threatened species, locally significant bushland, groups of remnant indigenous trees	10m

f. Notwithstanding the buffers presented in Table 1.3.1-a above, certain native vegetation that is habitat for species listed in the Biodiversity Conservation Act may require larger buffer zones in order to avoid potential adverse impacts on biodiversity.

Notes:

A flora and fauna assessment may be required for development that involves the clearing, removal or alteration of other native vegetation. A flora and fauna assessment should be prepared by a suitably qualified consultant and address Council's Flora and Fauna Assessment Guidelines. This may require an Assessment of Significance (7-part test) or Species Impact Statement. In addition, a Vegetation Management Plan (VMP) may be required where it is likely that a proposal will impact either directly or indirectly on areas of remnant native bushland and/or riparian areas. For further information refer to:

- NSW DPI Fisheries key estuarine habitats show the spatial distribution of mangroves, saltmarshes and seagrass beds in the estuarine. These ecosystems are fragile and provide key ecological roles to the Hawkesbury Nepean River System. Website at www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats.
- Flora and Fauna Assessment Guidelines for Development Applications available at Council's website www.hornsby.nsw.gov.au.
- Guidelines for the preparation of Vegetation Management and Restoration Plans available at Council's website www.hornsby.nsw.gov.au.

Under the NSW Threatened Species Scientific Committee Determination for Blue Gum High Forest and Sydney Turpentine Ironbark Forest Endangered Ecological Communities, it is noted that these communities may only be represented by the presence of remnant trees with no remnant or a highly modified understorey.

Landscaping Adjacent to bushland

g. Fencing adjoining bushland should be designed to allow for the movement of native fauna, and limit predation on native wildlife by domestic animals. The use of barb wire fencing is not supported.

h. Where landscaping is proposed within the buffer zones, it should comprise trees, shrubs, understorey and groundcover species indigenous to the adjoining vegetation community.

Note:

Species declared as a noxious weed in Hornsby Shire should not be used in landscaping works. For further information see the Noxious Weeds List for Hornsby Shire at website www.hornsby.nsw.gov.au.

Roadside Vegetation

i. Native vegetation along roadsides should be retained where possible as it provides fauna habitat, links bushland areas, and maintains the scenic qualities of the area.

j. Accessway crossings and utilities should be located and designed to minimise impacts on roadside vegetation.

Land Adjoining Public Open Space

k. Development within or adjoining land zoned or reserved for public open space should address means to protect and minimise bushland disturbance.

l. Development should provide buffers for bushfire protection on private land, not on public land.

Wetlands, Salt March, Seagrass Beds, Mangroves and Fish Habitats

m. Development proposals which may impact on fish habitats should have regard to gazetted Fish* Habitat Protection Plans.

n. Development proposals should avoid impact on key aquatic habitats such as saltmarsh, seagrass beds and mangroves as a result of their key role in the ecology of estuarine ecosystems.

Note:

*The term 'fish' includes all aquatic invertebrates such as yabbies, shrimps, oysters, mussels, insect larvae, beach worms, sea stars and jelly fish. For key fish habitats, refer to: www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats.

NSW Fisheries has gazetted the following Fish Habitat Protection Plans:

- Plan 1 – dealing broadly with dredging and reclamation activities, fish passage requirements and the protection of mangroves, other marine vegetation and snags.
- Plan 2 - for sea grasses,- with the aim to preserve fish stocks and habitats.
- Plan 3 - for the Hawkesbury Nepean River System,- the Plan aims to preserve fish stocks and habitats.

Riparian Areas

o. Development should be designed and located to maintain an effective watercourse riparian zone comprising native vegetation. See planning controls for watercourses at Section 1.3.1.3 of this DCP.

Notes:

The Biodiversity controls aim to implement the objectives of Council's Biodiversity Conservation Strategy that includes to protect and improve the quality and extent of existing indigenous vegetation and to conserve and recreate connectivity across fragmented landscapes.

For further information on and mapping of vegetation types refer to the following studies: Native Vegetation Communities of Hornsby Shire (P & J Smith 2008) and Remnant Trees in the Southern Rural District of Hornsby Shire (P & J Smith 2008).

Endangered Ecological Communities and regionally significant vegetation areas are mapped as Biodiversity on the HLEP Biodiversity Map. Lands excluded from the Biodiversity Map may still contain endangered ecological communities, threatened species or their habitats.

The clearing or removal of any threatened flora species, endangered population, endangered ecological community or critical habitat under the Biodiversity Conservation Act 2016 may require a separate approval from the Department of Planning and Environment.

The clearing or removal of remnant trees or other native vegetation which is listed as a "matter of national significance" under the Environment Protection and Biodiversity Conservation Act 1999 may require a separate approval from the Commonwealth Department of Climate Change, Energy, the Environment and Water.

1.3.1.2 Stormwater Management

Desired Outcomes

a. Development that protects waterways from erosion, pollution and sedimentation, and maintains or improves water quality and aquatic habitats.

b. Water management systems that minimise the effects of flooding and maintains natural environmental flows.

Prescriptive Measures

Sediment and Erosion Control

a. Development should have appropriate controls to stabilise and retain soil and sediments during the construction phase, designed in accordance with Landcom's Managing Urban Stormwater (2006) also known as The Blue Book and/or Council's water management guidelines.

b. Applicants should submit a plan with the development application according to the level of sensitivity and amount of disturbed area on the site as outlined in Table 1.3.1-b.

Table 1.3.1-b: Erosion and Sediment Control

Development Scale	Submission Requirement (Refer to Council's Water Sensitive Urban Design Guidelines)
Less than 1,500 m^2 of disturbed area	An Erosion and Sediment Control Plan (ESCP) prepared in accordance with Council's water management guidelines for all environmentally sensitive sites such as steep land (>20%), or works in the vicinity of waterways or bushland. See Note*
1,500 m^2 to 2,500 m^2	An Erosion and Sediment Control Plan (ESCP) prepared in accordance with the Blue Book
More than 2,500 m^2 of disturbed area	A Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book

Note:

For non-sensitive sites an Erosion and Sediment Control Plan may be required to be prepared as a condition of development consent, to be certified by the relevant accredited certifier.

For further information on The Blue Book refer to Managing Urban Stormwater (2006) by Landcom available through www.environment.nsw.gov.au.

For further information on Council's water management guidelines for Erosion and Sediment Control refer to Council's Water Sensitive Urban Design (WSUD) Guidelines (2015) available at www.hornsby.nsw.gov.au.

Water Hydrology

c. An on-site stormwater management system that deals with detention, retention and discharge rates is required for all development involving external works to maintain environmental flow* rates in the receiving watercourses.

d. An on-site detention (OSD) system, designed in accordance with the HSC Civil Works Specification, should be provided for the following types of development:

- Subdivision,
- Single dwellings where required by covenant,
- Two or more dwellings, or
- Non-residential developments with external alterations.

e. Natural flow paths within a site and the discharge point from the site should be retained and directed to its natural catchment.

f. Stormwater should be gravity drained to Council's drainage system, which may require inter-allotment drainage, except for single dwellings on existing lots where inter-allotment drainage is not available.

g. Where an inter allotment drainage easement is required, proponents should negotiate the creation of easement/s over downstream properties for drainage purposes. A letter of consent from the owner/s of the downstream properties is to be submitted with the development application.

h. On non-urban properties, development should not prevent or significantly alter water flows to adjoining properties or natural ecosystems. Flows from impervious areas should be dispersed on-site to minimise erosion and impacts on adjoining properties.

Note:

*Environmental flows are the flows of water in streams and rivers that are necessary to maintain aquatic ecosystems.

Water Quality

i. In urban areas, the following development types should be designed to achieve the water quality targets in Table 1.3.1-c;

- major redevelopment on sites greater than 2000m^2, and
- other development that increases the impermeable area on a site by more than 2000m^2.

Table 1.3.1-c: Urban Stormwater Quality Targets

Pollutant Type	Performance Target Reduction Loads
Gross Pollutants	90% reduction in the post development mean annual load of total gross pollutants
Total Suspended Solids	80% reduction in the post development mean annual load of total suspended solids
Total Phosphorous	60% reduction in the post development mean annual load of total phosphorous
Total Nitrogen	45% reduction in the post development mean annual load of total nitrogen.

j. Medium and high density residential developments with a site area of between 1000m^2 and 2000m^2 should demonstrate that they achieve the water quality targets in Table 1.3.1-c above, or utilise one of the following deemed to comply solutions:

   - 80% of the roof area of the development is to drain to a tank(s) that has a capacity of 3,000 litres per 100m^2 of roof area of the development. The tank(s) is to be connected to the communal water system, and to all dwellings for toilet flushing and laundry, or
   - provide a bioretention system(s) which is at least 1.5% of the total impervious area and drains all of the impervious areas.

k. In non-urban areas, intensive rural activities should include water management systems designed to achieve water quality that complies with targets specific to aquatic ecosystem protection in south east Australian, lowland east flowing rivers that comply in accordance with Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

l. Chemical storage should be bunded and located away from watercourses, drainage lines or drainage pits which lead to the storm water system.

Note:

Urban areas include business, industrial, special use and residential zones.

Submission Requirements

m. Where development is required to address the water quality targets in Table 1.3.1-c, a Water Sensitive Urban Design (WSUD) Strategy should be submitted that addresses water hydrology, water quality and water conservation.

n. For an application requiring a WSUD Strategy, the application is to be accompanied by a Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or equivalent demonstrating compliance with the relevant prescriptive controls.

o. The WSUD Strategy should include measures for access to and the maintenance of WSUD elements.

p. Where WSUD facilities serve more than one property, these facilities should be held in strata or community title.

q. A Water Cycle Management Plan (WCMP) should be submitted with an application for any intensive rural activity detailing how water will be sourced, stored, used, treated and recycled for use.

Note:

For further details on Council's water management guidelines refer to:

- HSC Civil Works Specification, and
- Council's Water Sensitive Urban Design (WSUD) Guidelines (2015).

For further technical information on Water Sensitive Urban Design refer to Evaluating Options for Water Sensitive Urban Design – A National Guide (2009) available at www.environment.nsw.gov.au.

The storm water quality targets in Table 1.3.1-c apply to the operational phase, requiring developments to achieve the prescribed minimum reductions in pollutant load, when compared to untreated stormwater run-off.

Water Quality Modelling should be undertaken using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) and in accordance with the NSW MUSIC modelling guidelines.

Water Conservation Targets are provided in Section 1.3.2.8 of this DCP.

Some WSUD elements may require a Positive Covenant and a Restriction on Use to be placed on the property title in order to bind all current and future owners to specific maintenance requirements.

A WCMP is also required for an application for a number of rainwater tanks that results in the total capacity of all dams and rainwater tanks on the property exceeding 1 megalitre.

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

1.3.1.3 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 6.5 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.

Note:

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 riverbed 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.dpie.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 www.hornsby.nsw.gov.au.

1.3.1.4 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.

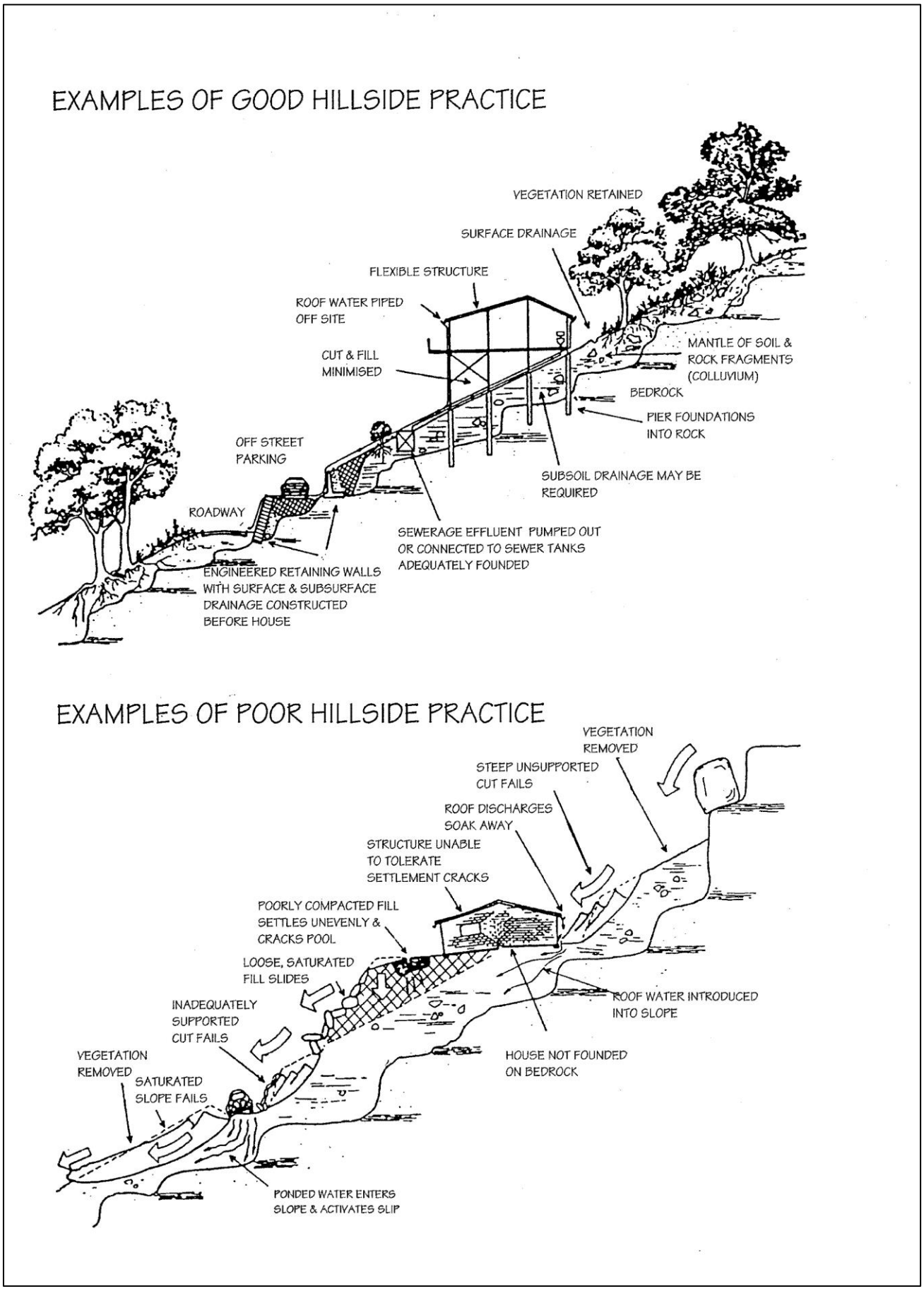
c. Excavation that extends outside of the building platform should be limited to a depth of 1 metre from the existing ground level, unless the excavation is required to:

- 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.

Figure 1.3-a: Development should be sited and designed to minimise disturbance of land with topographic and geotechnical constraints. (I)



Earthworks Below MHWM

f. Applications for earthworks below MHWM (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 C1 National Parks and Nature Reserves zone, C2 Environmental Conservation zone or priority oyster aquaculture areas identified by the NSW Oyster Industry Sustainable Aquaculture Strategy.

Note:

*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 <1500m^2.

MHWM 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.

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.

1.3.2 Built Environment

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

1.3.2.1 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.

d. To encourage and support the use of electric vehicles.

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 1.3.2-a:

Table 1.3.2-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 1.3.2-b may be used as a guide in designing driveways.

Note:

Main roads

Development adjoining roads that are subject to Section 2.119 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) require separate approval from Transport for NSW (TfNSW) for access to State and Regional Roads as classified by TfNSW. A list of classified and unclassified main roads for Hornsby Shire 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.saiglobal.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 1.3.2-b: Dwelling House – Driveway Design Guide

Distance of parking area from the Front Boundary	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	1.942m
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 1.3.2.3 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.transport.nsw.gov.au. For servicing rates refer to Table 5.1 (page 5-3) of the Guide.

Car Parking

o. Car parking should be provided on site in accordance with the minimum parking rates Table 1.3.2-c. Parking spaces are for cars, unless otherwise specified.

p. The car parking rate for sites less than (<) 800 metres from a railway station in Table 1.3.2-c 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 1.3.2-c,
- land uses not specified in Table 1.3.2-c, or
- intensive traffic generating developments.

r. Before granting approval to depart from on-site parking rates specified in Table 1.3.2-c 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. 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. Stacked parking spaces may be provided if reserved for use by a particular dwelling, commercial unit or the like.

v. 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.

Motorcycle Parking

w. In all buildings that provide on site parking:

- 1 space suitable for motorcycles 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.

Notes:

The Motorcycle Parking is in addition to the car parking required in Table 1.3.2-c for tenants and/or visitors (not service vehicles which are separately addressed).

Motorcycle Parking is not required for dwelling houses.

Table 1.3.2-c: On Site Car Parking Rates

Type of Development	Car Parking Requirement	
	Sites < 800m from Railway Station	Sites > 800m from Railway Station
Residential Accommodation		
Dwelling Houses		
0-2 Bedrooms	1 space/dwelling	
3 or more Bedrooms	2 spaces/dwelling	
Secondary Dwellings (see Note*)		
0-2 Bedrooms	1 space/dwelling	1 space/dwelling
3 or more Bedrooms	2 spaces/dwelling	2 spaces/dwelling
Attached Dual Occupancy		
0-2 Bedrooms		1 space/dwelling
3 or more Bedrooms		2 spaces/dwelling
Medium and High Density Dwellings in Hornsby LGA (including Universal Design Housing**)		
0-1 Bedroom	0.75 space/ dwelling	1 space/ dwelling
2 Bedrooms	1 space/ dwelling	1.25 spaces/ dwelling
3 or more Bedrooms	1.5 spaces/ dwelling	2 spaces/ dwelling
Visitors (see Note***)	1 space per 7 dwellings	1 space per 5 dwellings
Seniors Housing at all locations others than the combined land described below	per State Environmental Planning Policy (Housing) 2021	
Seniors Independent Housing at combined site comprising Nos. 9, 11, 15, 17 and 19 Ashley Street, Hornsby and Nos. 2 and 4 Webb Avenue, Hornsby	A maximum of 108 resident spaces Visitors and staff – 1 space per 7 dwellings to a maximum of 15 spaces 1 dedicated space for an emergency vehicle	
Tourist and Visitor Accommodation (see Note**)		
Bed & Breakfast 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 1.3.2-c : On Site Car Parking Rates

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	
Farm Stay Accommodation	1 space per farm stay accommodation room or cabin, and 1 space per moveable dwelling or tent site, and 1 space per 2 employees, and 1 space for persons with disability or limited mobility	
Farm Gate Premises and Farm Experiences Premises	1 space per 25m^2 gross floor area of a building or structure for farm gate premises or farm experience premises, and 1 space per 3 visitors for any outdoor farm gate premises or farm experience premises activity, and 1 space per 2 employees, and 1 space for persons with disability or limited mobility	
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	

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

x. 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 5,000m^2, 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:

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

Car share (Hornsby West Side)

z. 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.

aa. 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

bb. 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 motorcycles.

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 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 www.hornsby.nsw.gov.au.

Parking for people with disabilities

cc. Car parking for people with disabilities should be provided on-site in accordance with the parking rates in Table 1.3.2-d:

Table 1.3.2-d: 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 1.3.2-d refers to the total number of car parking spaces required in Table 1.3.2-c.

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

Bicycle Parking and Associated Facilities

dd. Bicycle parking and facilities should be provided on site in accordance with the minimum rates in Table 1.3.2-e.

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

Table 1.3.2-e: 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 30m^2 and an industrial rate of 1 employee per 50m^2.

Access Network

ff. 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.

Electric Vehicle Charging

Car parking for medium and high density residential, seniors independent living and boarding house (3+ dwellings) development should:

gg. Provide at least one EV ready connection for each dwelling/apartment that is allocated a car parking space.

hh. Provide EV distribution board(s) of sufficient size to allow connection of all EV ready connections.

ii. All car share spaces and spaces allocated to visitors must have access to an on-premises shared EV connection.

Car parking for new commercial, business, office, retail, hotel, motel, hostel and co-living development should:

jj. Provide one shared EV connection for every 10 car spaces distributed throughout the carpark to provide equitable access across floors and floor plates, and across open parking areas.

Garages in low density residential development should:

kk. Be provided with a private EV connection.

Electric Bicycles and Mobility Scooters

ll. All mixed use, commercial and residential flat building developments with on-site car parking should provide at least one dedicated space and charging point to be used for electric bicycles and mobility scooters.

Safety and Energy Collection Data

mm. All EV charging infrastructure is to comply with the applicable Electric Vehicle safety and energy consumption data collection requirements of the National Construction Code.

Notes:

- EV ready connection is the provision of a dedicated spare 32A circuit provided in an EV distribution board to enable easy future installation of cabling from an EV charger to the EV distribution board and a circuit breaker to feed the circuit.
- Private EV connection is the provision of a minimum 15A circuit and power point to enable easy future EV connection in the garage connected to the main switch board.
- Shared EV connection is the provision of a minimum Level 2, 40A fast charger and power supply to a car parking space connected to an EV distribution board.
- EV distribution board is a distribution board dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power at any one time during off-peak periods and includes an EV Load Management System.
- The EV distribution board should provide adequate space for the future installation (post construction) of compact meters in or adjacent to the distribution board, to enable individual EV usage to be measured.

1.3.2.2 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 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 Design Guidelines 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.industry.gov.au/building-and-construction/premises-standards.

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 1.3.2-d 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 occupants.

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 Design Guidelines available online at livablehousingaustralia.org.au.

1.3.2.3 Waste Management

Desired Outcomes

a. Development that maximises re-use and recycling of building materials.

b. Waste storage and collection facilities that are designed to encourage recycling, located and designed to be compatible with the streetscape, accessible, clean and safe for users and collectors.

Prescriptive Measures

Demolition and Construction Waste

a. A Waste Management Plan should be prepared in accordance with Council guidelines and submitted with the development application, to address demolition and construction waste, and include:

- An estimate of the types and volumes of waste and recyclables to be generated,
- A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas,
- How excavation, demolition and building waste materials will be re-used or recycled and where residual wastes will be disposed, and
- The total percentage (by weight) of demolition and construction waste that will be reused or recycled to achieve the minimum waste minimisation target established by the State Government.

Notes:

The State Government waste minimisation targets are set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste and Sustainable Materials Strategy 2041. The minimum reuse/ recycling rate for construction and demolition waste is currently 80%.

This section should be read in conjunction with Council's Waste Minimisation and Management Guide available at www.hornsby.nsw.gov.au.

Asbestos and other hazardous demolition materials should be handled and disposed of to authorised waste disposal depots.

Waste Facility Design

b. The location and design of waste storage and collection areas and facilities should:

- accommodate a sufficient number of mobile waste containers to contain the volume of waste and recycling expected to be generated between collection services, and sufficient aisle space to access and manoeuvre the containers within the Material Separation Area (see Note 1).
- have regard to streetscape aesthetics, odour, and noise generation and be sited away from adjacent sensitive landuses and comply with the location guidelines in Table 1.3.2-f,
- comply with Council's design guidelines (see Note 2),
- include bunding in impervious materials where Dangerous Goods may be stored,
- incorporate an additional bulky waste storage area of at least 8m^2 and every 50 dwellings or part thereof for residential flat buildings, multi dwelling housing and town houses.
- allow ease of access for tenants, the path of travel should comply with AS 1428.1.

c. Residential developments proposing on-site collection of waste should:

- design for a Heavy Rigid Vehicle (HRV) Council waste collection vehicle, or
- for land within the 5 storey residential flat building precincts (R4 Zone, Area P on the HLEP Height of Building Map), design for a Small Rigid Vehicle (SRV) Council waste collection vehicle, and
- provide an easement in favour of Council to enable collection vehicles to service the development (see Note 3).

d. New Commercial and Industrial developments proposing on site collection of waste should design for a HRV commercial garbage truck. (see Note 4).

Note:

The guideline reference notes above are included within the Council's guideline the Waste Minimisation and Management Guide available at website www.hornsby.nsw.gov.au, as noted below:

- Note 1: See reference FD1.01
- Note 2: See references FD1.02, FD1.03, FD1.04
- Note 3: See reference A5.04
- Note 4: See reference A5.02

Heavy Rigid Vehicles for waste collection details are provided at A5.02 of the Waste Minimisation and Management Guide.

Small Rigid Vehicles (SRV) for waste collection is defined by AS 2890.2.

Garbage Chute Systems

e. Buildings containing more than 3 storeys should incorporate a garbage chute system for waste and an interim recycling bin storage in either a room or a cupboard on each floor.

f. Where a required garbage chute system is unable to be provided, an interim waste storage room is to be provided on each floor that is serviced by a goods lift to transfer the waste to the communal waste storage facility in the basement.

g. The location, design and construction of garbage chute systems and storage rooms should be in accordance with Council's guidelines.

Note:

For further information refer to part FD2.01 in Council's guideline the Waste Minimisation and Management Guide available at website www.hornsby.nsw.gov.au.

Volume Handling Equipment

h. Where a building requires a chute system:

- The bin capacity under the chute must be sufficient for at least 3 days garbage generation.
- Where in excess of 14 residential units are serviced by the chute, appropriate volume handling equipment is to be provided.

Note:

Volume handling equipment automatically changes the bin under the chute when it becomes full. The volume handling equipment is not to include compaction. Designing for 3 days bin capacity under the chute will mean the site caretaker will not have to attend the site on weekends to manage the waste.

i. The location, design and construction of volume handling equipment to automatically change the bin under the chute when it becomes full should be in accordance with Council's guidelines.

Ongoing Waste Management Submission Requirements

j. A Waste Management Plan should be prepared in accordance with Council's guidelines and submitted with the development application, to address the generation of waste from the occupation of the development, and include:

- an estimate of the amount of waste and recyclables to be generated,
- identify the number of, and capacity of, waste storage bins and volume handling equipment required,
- a site plan showing:
  - areas allocated for waste storage and recycling,
  - details of any volume handling equipment,
  - nomination of the waste collection point for the site, and
  - identification of the path of access for users and collection vehicles.
- details of the on-going management of the storage and collection of waste, including responsibility for cleaning, transfer of bins between storage areas and collection point, maintenance of signage, and security of storage areas.

Note:

For further information refer to:

Council's guideline Waste Minimisation and Management Guide available on the website www.hornsby.nsw.gov.au - see parts A6.01 and O3.02 to estimate waste generation and bins required.

Waste Classification Guidelines available on the EPA's website www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines.

NSW Waste and Sustainable Materials Strategy 2041 available on DPE's website www.dpie.nsw.gov.au/our-work/environment-energy-and-science/waste-and-sustainable-materials-strategy.

Table 1.3.2-f: Location of Waste Storage and Collection Areas (including recyclables)

Landuse	Waste Storage	Waste Collection
Residential Development (Including Subdivision)		
0-6 dwellings	Provide a hard stand area of 1m x 2m behind the building line for each dwelling	Road frontage of the property
7 or more dwellings (up to 5 storeys)	Provide a communal waste storage facility in a level position. The waste storage area may also be the collection point if on site or if driveway access is required for collection.	The waste collection point (where bins are placed for servicing) should be no more than 5 metres from the truck parking location) and designed to accommodate a HRV Council waste collection vehicle. Alternatively, on site access or driveway access should be provided where development characteristics or site constraints dictate, such as: ▪ The status of the roadway (heavy traffic or extensive on-street parking) requires on-site access; ▪ An open air storage and recycling facility would detrimentally impact on streetscape or residential amenity; or ▪ Site characteristics make access to the street difficult for individual unit holders (e.g. Distance > 75 metres and/or Gradient > 1:8).
5 storey RFBs Housing Strategy Precincts (R4 Zone, Area P on Height Map)	Provide a waste storage facility within the basement or within the building envelope.	On-site access required for a Small Rigid Vehicle (SRV). The waste collection point (where bins are placed for servicing) should be no more than 5 metres from the truck parking location). Waste collection vehicles must be able to enter and exit the site in a forward direction.
6 or more storey RFBs	Provide a waste room within the basement of the development.	On-site access required for a large Council HRV waste collection vehicle. The waste collection point (where bins are placed for servicing) should be no more than 5 metres from the truck parking location).
Commercial and Industrial Development		
New buildings	Provide an internal communal waste storage facility behind the building line or a waste room within the development. Where a development involves multiple occupancy, communal facilities should be provided: ▪ where the design makes it difficult for all units to have ready access to a collection point; and ▪ where site characteristics restrict entry of vehicles to individual units. Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.	For large developments, a waste collection area should be located on site. On-site access required for a large commercial garbage truck. The waste collection point should be located to provide efficient access by collectors and collection vehicles.
Mixed-Use Building		
	The residential component and non-residential component of the development must have separate self-contained waste management systems, including separate bin storage room. Commercial tenants must be prevented (via signage, locks and other means) from using the residential waste/ recycling bins and vice versa.	On-site access required for HRV Council waste collection vehicles. The waste collection point should be no more than 5 metres from the communal waste storage facility/waste room.

1.3.2.4 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 Section 1.3.1.1 and Table 1.3.1-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
- Sewage Management Facility Vessel Accreditation Guidelines 2016 (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 (General) Regulation 2021,
- Biodiversity and Conservation SEPP, and
- State Environmental Planning Policy (Primary Production) 2021 (Primary Production SEPP).

The above documents are accessible from either Council's website www.hornsby.nsw.gov.au, the Department of Planning and Environment 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's Application for Approval to Install a Wastewater Treatment System available at website www.hornsby.nsw.gov.au.

1.3.2.5 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 land uses should include siting and design measures to ameliorate the potential impact of existing noise generating uses on the proposed development.

c. Noise sensitive land uses 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 land uses 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 land uses 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 Section 2.120 of the Transport and Infrastructure SEPP, that may include Pennant Hills Road, Beecroft 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 land uses, 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 land uses 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 land uses 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 Noise Policy for Industry (EPA 2017) and the NSW Road Noise Policy (EPA 2011), available at www.epa.nsw.gov.au, and

- 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 www.hornsby.nsw.gov.au.

1.3.2.6 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

a. Buffer zones should be provided between potentially air polluting activities and air quality sensitive land uses.

Note:

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

Air Quality Sensitive Development

b. Air quality sensitive land uses adjoining a major road are to include siting and design measures to ameliorate the potential impact of vehicle emissions on the site.

c. An Air Quality assessment report that takes into account the provisions of the Transport and Infrastructure SEPP should be provided for air quality sensitive land uses within 100 metres of a major road (excluding a single dwelling house on an existing lot).

Notes:

Air quality sensitive land uses 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, Beecroft Road, Castle Hill Road, Boundary Road and New Line Road.

Air Quality Impacting Development

d. 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.

e. Land uses that have the potential to generate offensive odour should be sited and designed to minimise odour impacts on adjoining land uses.

Electricity in New Residential Development

f. To maintain indoor air quality and avoid the generation of harmful airborne byproducts, indoor gas should not be used in any new residential development.

g. Indoor cooktops, ovens and heaters should be electric and clearly marked on architectural plans.

Notes:

For further information, refer to:

- 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.

1.3.2.7 Crime Prevention

Desired Outcomes

a. Development designed to reduce crime risk and minimise opportunities for crime.

Prescriptive Measures

Surveillance

a. Development should be designed to provide or enhance opportunities for effective surveillance by providing:

- clear sight lines between public and private places,
- effective lighting of public places, and
- landscaping that makes places attractive but does not provide offenders with a place to hide or entrap victims.

Access Control

b. Development should be designed to incorporate physical or symbolic barriers to attract, channel or restrict the movement of people to clearly defined public spaces.

c. For sites located next to rail corridors, any window or balcony that is adjacent to and is within 20 metres of the corridor must provide screening or barriers to prevent objects being thrown from open space areas of the development. A high glass wall/ balustrade should be installed at ground level, and louvre screening should be installed at higher levels.

d. Development should comprise elements that contribute to effective access control by creating:

- landscapes and physical locations that channel and group people into public areas,
- public spaces that attract, rather than discourage people from gathering, and
- restricted access to high crime risk areas such as car parks and other rarely visited areas.

Territorial Reinforcement

e. Development should incorporate design elements that contribute to the creation of a sense of community ownership of public spaces by:

- encouraging people to gather in public spaces and feel some responsibility for its use and condition,
- clearly defining transitions and boundaries between public and private spaces, and
- clearly defining the use of public spaces.

Space Management

f. A Crime Prevention Through Environmental Design (CPTED) report is required for large scale or crime sensitive developments and should detail:

- how the proposal has incorporated CPTED principles,
- strategies to be implemented to ensure site cleanliness, rapid repair of vandalism and graffiti, removal or refurbishment of decayed physical buildings and elements, and
- measures to be incorporated into the development to reduce the potential for crime.

Note:

For further information refer to the NSW Government's publication Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 available at www.planning.nsw.gov.au.

A CPTED assessment (Safer by Design Evaluation) is required for the following large scale and/or crime sensitive developments:

- Developments with 20 or more dwellings,
- Major commercial/ retail developments,
- Major community facilities, hospitals and schools,
- New industrial complexes,
- Clubs/hotels, liquor outlets,
- Service stations,
- Sex services premises, and
- Other high risk land uses.

1.3.2.8 Building Sustainability

Desired Outcomes

a. Development that incorporates environmentally sustainable design and construction.

Prescriptive Measures

Residential Buildings

a. A certificate should be submitted, when required, demonstrating that the building complies with State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP).

Non-Residential Buildings

b. The energy efficiency provisions of the Building Code of Australia should be incorporated into the design of non-residential buildings. This may require the inclusion of the following:

- Windows that are appropriately sized and shaded to reduce summer heat load and permit entry of winter sun,
- Building materials selected to assist thermal performance and ceiling insulation used where appropriate,
- Natural ventilation,
- Buildings should have an area, orientation and roof pitch that is suitable for the installation of solar collectors,
- Low energy, high efficiency plant, fittings and appliances should be specified, and
- The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.

c. Water conservation principles should be incorporated into non-residential developments, including the following:

- Water efficient fittings and appliances including: 4 star dual-flush toilets and taps, 3 star showerheads and urinals, water efficient washing machines and dishwashers,
- Rainwater tanks should be provided to meet 80% of non-potable demand including outdoor use, toilets and laundry,
- Cooling Towers are designed in accordance with best practice guidelines to reduce potable water consumption, and
- Water use within open spaces (for irrigation, water features etc.) should be supplied from sources other than potable mains water (eg stormwater, greywater or wastewater) to meet 80% water use demand.

d. Ecologically sustainable, second hand and recycled building materials should be considered for use in building construction.

Note:

In achieving the desired outcomes of this element, applicants for non-residential developments are encouraged to demonstrate that the development is designed to achieve a minimum 4 star rating under the Green Building Council of Australia's Green Star Rating Tool. Go to www.gbca.org.au for more details on the green star rating tool.

Sydney Water's best practice guide for cooling towers is available at www.sydneywater.com.au.

For further information on ecologically sustainable building materials refer to Council's guidelines at A3.01 of the Waste Minimisation and Management Guide available at website www.hornsby.nsw.gov.au.

1.3.2.9 Landscaping

Desired Outcomes

a. Landscaping that integrates the built form with the locality and enhances the tree canopy.

b. Landscaping that improves the environmental performance of the development.

Prescriptive Measures

a. Landscaping on site should be incorporated into the site planning of a development to (where appropriate):

- reinforce the desired future character of the locality,
- maintain significant landscape features,
- provide planting within setback zones (setbacks identified within the relevant applicable parts of the DCP),
- soften the visual impact of buildings, carparks and roads,
- cater for outdoor recreation areas,
- separate conflicting uses,
- screen undesirable elements, and
- improve the aesthetic quality of the development.

b. Landscape planting should achieve a mature height in scale with the structures on the site.

c. Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants.

d. Street tree planting within public land should comply with Council's Tree Management Plan.

e. Topsoil and mulch should be included in landscape areas and should contain organic matter to support plant growth.

Planting on Structures

f. Where landscaping is provided in a structured environment such as a raised planter box or 'on slab' they should include waterproofing, drainage and automatic irrigation.

- The minimum plant material pot container sizes for trees should be 75 litres, shrubs 200mm and groundcovers 150mm.

g. Green roofs and walls should be provided in higher density urban environments where opportunities for deep soil landscaping are limited and/ or where large walls face active areas of the public domain.

h. Public landscape works in high density urban areas are to refer to Council's Public Domain Manual and Technical Guides for details and specifications.

Notes:

The following should be considered in designing your landscape plan:

- Detailed landscape requirements for some localities are prescribed within the relevant applicable parts of this DCP.
- DA Submission Guideline available at www.hornsby.nsw.gov.au.
- Housing SEPP - Apartment Design Guidelines.
- The following Australian Standard specifications should be considered in the design of landscaping:
  - AS 4419 Soils for landscaping and garden use
  - AS 4454 Composts soils conditioners and mulches
  - AS 4654.2 Waterproofing membrane systems for exterior use – above ground level
  - AS 3500.3 Plumbing and drainage – stormwater
  - AS 1477 PVC pipes and fitting for pressure applications
  - AS 2032 Installation of PVC pipe
  - AS 4678 Earth retaining structures
  - AS 2303 Tree stock for landscape use
- The applicant is encouraged to incorporate plant species indigenous to Hornsby Shire as part of the development. Refer to Council's website www.hornsby.nsw.gov.au. The use of non-locally indigenous plants is acceptable where they are recognised as providing a superior performance to the micro-climatic conditions of the development.

1.3.2.10 Services and Lighting

Desired Outcomes

a. Development that provides necessary services to cater for future occupants.

b. Development that integrates required services in building and site design to minimise impacts on the streetscape.

Prescriptive Measures

Services

a. Applicants should consult service providers for energy, electricity, gas, water, telephone, national broadband network (NBN) fibre cables and fire requirements.

b. Any services and structures required by the providers should be located within the basement, or concealed within the facade, with appropriate access. Where this is not possible, an alternative method of minimising street impact should be demonstrated, such as screening with landscape or built elements.

c. With the exception of dwelling houses, all buildings should accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/horizontal stacks to all sections of the building.

d. Air conditioning units and mechanical plant located on the roof should be well screened and integrated into the building form.

e. Air conditioning units and mechanical plant should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.

Lighting

f. External and security lighting should be positioned to avoid light spillage, particularly to adjacent sensitive areas in accordance with AS 4282.

g. Tennis courts and sports patios ancillary to a dwelling house should not be artificially illuminated.

Satellite dishes

h. A maximum of one satellite dish should be provided per residential building.

i. Satellite dishes should be preferably ground mounted, and

- located to the rear of an existing building,
- setback 15 metres from any property boundary in a rural zone,
- be of a dark or recessive colour to blend with the surrounds,
- not impact on the streetscape and views enjoyed by adjacent properties, and
- in an urban area, have a maximum height of 2.5 metres above the natural ground level, or
- in a non-urban area, have a maximum height supported by a report prepared by an appropriately qualified consultant demonstrating that the height proposed is required to receive the signal.

j. Satellite dishes may be roof mounted where:

- a report is submitted by an appropriately qualified consultant demonstrating that roof mounting of the satellite dish is required to receive a signal,
- it is located no higher than the ridgeline of the section of roof on which it is located,
- it is of a similar colour to the roof on which it is located, and
- it does not impact on the streetscape and views enjoyed by adjacent properties.

Note:

Ausgrid's guidelines on development in the vicinity of easement areas should be considered for work near any high voltage transmission network infrastructure. For further information, refer to www.ausgrid.com.au.

1.3.2.11 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 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* (November 2017) 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 the Industry and Employment SEPP which is available at www.legislation.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 Tables 1.3.2-g to 1.3.2-l.

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 1.3.2-g: 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 1.3.2-h: 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 1.3-b: Illustration of signage types (I)

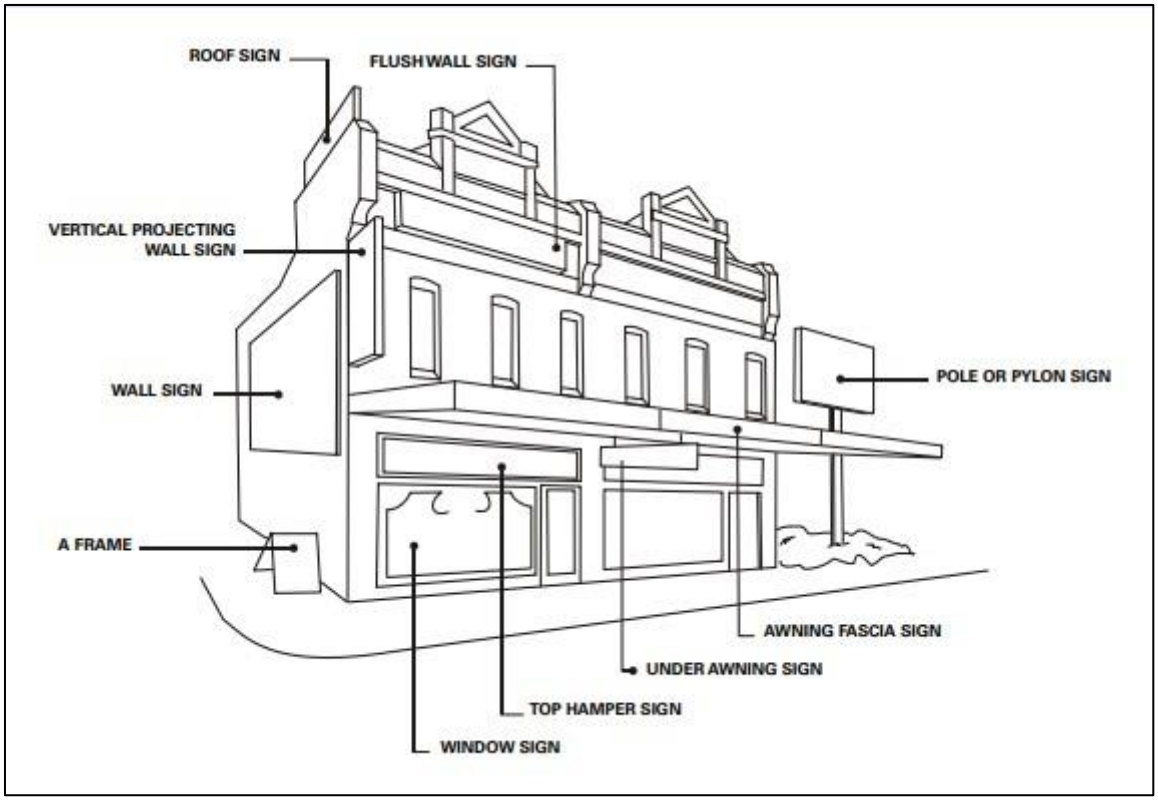


Table 1.3.2-i: Flush wall and painted wall signs
Should not extend laterally beyond the wall of the building to which it is attached
Should be flush with the building
The total area of wall signs should not exceed 5m^2, unless it can be demonstrated that the sign is consistent with the character of the locality in accordance with the Industry and Employment SEPP

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 1.3.2-j: Vertical projecting wall signs
Should not project above the wall to which it is attached
Should not exceed 1.5m^2 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 1.3.2-k 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 1.3.2-l: 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 1.2m^2 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 1.3.2-m below:

Table 1.3.2-m: Temporary Community Banner
The banner is a temporary advertisement for a religious, cultural, political, social or recreational event only
Maximum area of 4m^2
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 www.hornsby.nsw.gov.au.

Signage for Agritourism Land Uses (Farm Stay Accommodation, Farm Gate Premises and Farm Experience Premises)

h. Signage for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls should be in keeping with the rural character and the nature of the operations on the property.

i. All signage for farm gate premises, farm experience premises or farm stay accommodation should only be located within the boundary of the property.

j. Business identification signs for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls should be limited to a maximum of 2 signs facing a road frontage on the property.

k. Any sign should:

- Have a maximum height of 3 metres above ground level, and
- Have a maximum area of 3 square metres, and
- If it is illuminated, be non-flashing and have lighting that complies with AS 4282.

l. Evacuation signage should be located near the farm gate premises, farm experience premises and farm stay accommodation, the property entrance and emergency assembly points and include contact details for emergency services.

m. Waypoint markers should be provided to assist visitors and guests traverse a property where farm gate premises, farm experience premises or farm stay accommodation operate.

1.3.2.12 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.lec.nsw.gov.au.

1.3.3 Hazards

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

1.3.3.1 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).

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).

Notes:

The key objectives and controls to address bushfire risk are not set out in this Plan but are incorporated into the NSW Rural Fire Service (RFS) publication entitled Planning for Bushfire Protection 2019 as well as the Rural Fires Act 1997 available at www.rfs.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 2019. 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 RFS and Planning for Bushfire Protection 2019. The Council will refer this plan to the RFS for its consideration.

1.3.3.2 Flooding

HLEP Clause 5.21 contains provisions for development of land at or below the flood planning level.

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 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 5.21 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:

A Section 10.7 Planning Certificate will identify if land is located within a flood planning area, at or below the flood planning level. Land within flood planning areas may be subject to exposure to tidal inundation and/or flood hazard risk.

For best practice guidelines refer to:

- NSW Government's Flood Risk Management Manual (2023), 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).

This DCP 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.

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: www.hornsby.nsw.gov.au/property/build/sea-level-rise-map.

1.3.3.3 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.

1.3.3.4 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 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 is available at www.legislation.nsw.gov.au, and
- NSW Environment Protection Authority's *Consultants reporting on contaminated land – Contaminated Land Guidelines* available at www.epa.nsw.gov.au.