

Appendix 3. Council Codes and Policies

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1. Rainwater Tank Policy

(Note: The Rainwater Tank Policy was originally adopted by Council on 18 December 2002)

Water is one of the most precious natural resources on our planet. This should be recognised especially in Australia which is the driest continent in the world. The average Australian uses 360 litres of water per day in the home and outdoor water usage can amount to as much as 50% of domestic consumption.

Collecting rainwater from roofs in a water tank and using it for other uses such as in the garden or laundry helps prevent the waste of valuable rainwater that would otherwise go directly into the stormwater system.

Council encourages the installation of rainwater tanks. If a tank has a capacity of 1600 litre or less, it can be installed without making a formal application to Council, providing it meets Council's Exempt and Complying DCP provisions. If the tank is above 1600 litres, a development application will need to be lodged, and this will be assessed against the criteria detailed below.

What Type of Tank?

Rainwater tanks are available in a variety of shapes, materials and colours. A traditional round tank can be installed, or a slimline or rectangular tank that is shaped to fit into under-utilised spaces such as those between buildings and fences. A 1500 to 3000 litre tank is a good size to store sufficient water for dry spells. A 3000 litre tank has a size of about 1 metre by 1.5 metres by 2 metres but the dimensions vary with individual tank shapes. The appropriate size of tank will depend on the size of the roof catchment area of a house.

The amount of water collected from a roof can be calculated by finding out the area of the roof. One square metre of roof catching 1 mm of rain will produce 1 litre of water. A good capacity tank is one that can contain a 1 in 3 month rainfall.

Details of the Tank

When selecting a suitable tank, the following details should be considered:

- product specification for standard tanks
- size, shape and capacity
- material
- colour and appearance
- a certificate of compliance for the tank confirming that it meets with Australian Standards AS/NZS 2179-1994 and AS2180-1986
- a suitable location for the tank on property
- consideration for the owners of the properties directly adjacent to the tank location.

Construction of Rainwater Tanks

All tanks should comply with the following requirements:

- made of a structurally sound material being easy to maintain;
- made of a non corrosive material with a leach resistant capacity;
- made of a non reflective material;
- fully enclosed to prevent mosquitoes breeding and access by animals and birds;
- fitted with an overflow which connects back into the existing Stormwater system;
- fitted with a gutter flush bypass to prevent a build up of foreign materials in the tank;
- if necessary to prevent adjoining properties experiencing run-off problems, the area directly beneath the outlet tap and drainage point should be bunded and drained to the nearest stormwater drain within the property;
- if a metal rain water tank is to be used, it is to comply with Australian Standard Code 2179 "Rain Water Storage Tanks - Metal (Rain Water) Specifications"; and
- the discharge control device and outlet plumbing is permanently constructed and not easily tampered with.

Installation of Rainwater Tanks

The tank must be installed in compliance with the Building Code of Australia and must comply with the following:

- No tank is to be fixed to the wall of a building unless certified by a practicing structural engineer.
- All tanks are to be placed on a structurally adequate base in accordance with the manufacturers or engineers details.
- All drainage connections are to be in accordance with the Drainage & Plumbing Code, Australian Standard 3500.
- No tank is to be permitted to have a cross connection with the potable (drinking and cooking) water supply.
- Tank water supply taps are to be marked "Tank water only - do not use for human consumption" to prevent use for drinking water and cooking.

Additional Requirements

Plumbing Connections

Sydney Water requires that the water collected in a tank is to be kept entirely separate from the existing mains water supply system and allows no direct cross connection with water mains plumbing. This means that tank water cannot be fed into the existing plumbing system and must be kept in separate pipes.

The tank can be directly connected with a hose to an outdoor sprinkler (a wide bore hose is recommended, e.g. 19mm), a basin or washing machine, as long as the tank water pipe is not connected with any other pipe that brings water in from the mains system or drains to the sewage system.

Plumbing codes specify the methods allowed for indirect connections from the tank, which are not connected with the plumbing of the water mains system. All plumbing work must be carried out by a licensed plumber.

Overflow

Overflow from the tank is to be piped directly into the stormwater drainage system serving the building. Overflow must not be directed into a sewer pipe.

Standard Tank Installation

Note: Polyethylene tanks can stand on level ground, e.g. a bed of 50 mm of sand. Make sure that this base cannot be washed out by ground or surface water. Metal tanks should be installed on a tank stand or concrete slab to prevent corrosion.

Visual Appearance

The rainwater tank, its associated drainage, plumbing and supporting structure, should be of a suitable appearance and should be compatible with the surrounding housing style and open space.

The tank should be designed and placed so as to be unobtrusive and in harmony with the immediate environment. Installation should not adversely affect neighbouring properties.

Compatible materials, colours and shapes should be selected that blend in with, or compliment the existing building, adjoining properties and streetscape. Shrubs or climbing plants can be used to screen tanks if required.

First Flush Systems and Mesh Screens to Protect Your Water

Often rain washes dust and leaves off the roof, which could end up in the rainwater tank. To prevent this from happening, a first-flush rainwater diverter can be installed. It drains away the first 50 litres of water (approximately) which can contain these pollutants. Fitting all openings with fine mesh also prevents mosquitoes and some contaminants from entering the tank and is highly recommended.

Compliance with Australian Standards

The proposed rainwater tank should comply with the relevant Australian Standards:

- AS/NZ 2179-1994 "Specifications for Rainwater Goods, Accessories & Fasteners"
- AS2180 - 1986 "Metal Rainwater Goods - Selection and Installation".

A Certificate of Compliance showing that the tank meets these standards should be easily obtainable from the tank manufacturer.

Support Structure

The support structure for any water tank must be in accordance with the requirements of a qualified practicing structural engineer. Advice from the manufacturer, a builder, or a structural engineer is recommended.

Installation

The tank and support structure must be set on a suitable foundation. Installation and plumbing must be carried out by a person licensed by the NSW Department of Fair Trading.

Safety

The water tank needs to have suitable contaminant screens to prevent the entry of any animals or sediment into the water. The tank must be covered or enclosed entirely and any lid must be designed to prevent children from wilfully or accidentally entering, climbing or falling into the tank.

Mosquito Proofing

The tank must be mosquito proof to prevent the breeding of mosquitoes. This can be achieved by installing a strainer with mosquito net in all openings including inlet and outlet pipes.

Pump

If the installation of a pump is required, it should not cause noise disturbance to the neighbours and any pump should be located away from the adjoining property or should be encased in sound insulation material.

On site Detention

Due to the potential for rainwater tanks to already be full when rain occurs no allowance can be made for tanks to be used for on-site detention requirements.

2. Drainage and On-Site Detention Policy

Drainage requirements

1. All drainage to be designed for a 1:20 storm frequency except if the site is located in the Wollie Creek catchment, and for Hurstville area this gives 185mm/hour intensity for a six (6) minute storm.
2. In the Wollie Creek Catchment, all stormwater must be designed to provide an On-Site Detention (OSD) facility, except for single dwellings.
3. All grated pits; benched or streamlined, unless otherwise noted.
4. All outlet pipes from a grated pit: minimum of 150mm diameter.
5. All pipes: minimum sewer grade PVC.
6. Minimum grade to all pipes: 1%.
7. The last grated pit before entering a Council pipeline or kerb and gutter must have 150mm sump and galvanised mesh permanently fixed over the outlet pipes.
8. Two or three x 100mm PVC pipes from the last grated pit where connecting kerb and gutter.
9. Minimum cover over pipes: 150mm.
10. Cast in situ concrete, brick or precast concrete grated pits must be used in trafficable areas otherwise plastic pits can be used.
11. Grated drains to be installed across long driveways at the front boundary to prevent stormwater flowing across Council's footpath.

On-site detention (OSD) requirements

1. Applicants must submit (3) sets of drainage calculations and plans prepared by a qualified Drainage consultant.
2. Above ground OSD basins are required where possible in preference to tanks.
3. For OSD tanks in three (3) or more Unit/Villa developments, a Positive Covenant is required for the tank either by Section 88B Certificate, or by Form 55A which is obtainable from Land and Property Information (www.lpi.nsw.gov.au). This Covenant is to be worded as follows:

"It is the responsibility of the Owners Corporation to keep this on-site detention tank clean at all times and not modify it in any way. It is also subject to possible flooding during heavy storms."

4. An equivalent sized pipe is preferred to an orifice plate. Orifice plates may be used in underground OSD tanks only if the plate is permanently fixed to the walls of the tank.
5. A screw on type professionally made sign is required adjacent to the OSD tank/basin, reading as follows:

"This is an on site detention tank/basin and is subject to possible flooding during heavy storms."

6. The location of the OSD tank/basin is to be shown on the survey plans by the Surveyor and suitably tagged.
7. We require a letter from the Drainage Consultant certifying that the OSD has been constructed to his/her approval and in accordance with the Council approved drainage plans.

On-site detention design criteria

Applicants must provide details of a OSD facility designed by a professional hydrological/hydraulic engineer, showing computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- Dual Occupancy: 5%
- Villas and Units: 2%
- Commercial & Retail: 1%

Annual Exceedance Probability design event at relevant times of construction (design storm) as defined by the Australian Rainfall and Runoff (1987) , peak site discharge resulting from the development shall not be greater than the peak site discharge when the lots contained a single dwelling, garage, lawn and garden.

Where the stormwater discharge points are connected to the street gutter system, the peak flow from the site shall not increase the width of gutter flow by more than 200mm at the design storm.

The OSD facility shall be designed to meet all safety requirements and child proof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm.

Refer also to separate:

- Design rainfall intensity diagram (chart attached), and
- Wolli Creek/Georges River catchments map (1 x A4 page) which shows that Wolli Creek catchment includes the suburbs of Kingsgrove, Hurstville, Carlton and Beverly Hills, whilst Georges River catchment (drainage amplification area) included Lugarno, Oatley and Peakhurst Heights. For other suburbs refer to the map to determine catchment location

3. Fencing Adjacent to Public Roads Policy

1. PURPOSE

This code outlines Council's policy in respect of the erection of street boundary fences in excess of one (1) metre in height

2. AIMS OF CODE

To provide guidelines for the erection of fences and walls in excess of one (1) metre in height above footpath level.

To ensure that:

- Fences complement and are compatible with the development of the land.
- Adverse impact of fences on the streetscape and public places is minimised.
- Fences do not adversely affect the character or amenity of the locality by their visual impact, size, overshadowing or other factors.

To ensure that safe vehicular access is maintained at property entrances and street intersections.

To maximise recreational space, privacy and security of residential dwellings adjoining roads, and places of public congregation, (eg bus stops) and for residential developments, townhouses, villas and dual occupancy.

To encourage the use of a diverse range of fencing designs and materials.

3. CONSIDERATION OF APPLICATIONS

In any application for the erection of courtyard walls and/or fences the Council may consider the following:

- The purpose for which the fence or wall is required.
- The position of the fence or wall in relation to the boundaries of the allotment and building alignments.
- Height, materials and design of the proposed fence.
- The general scale and appearance of the fence or wall relative to the general streetscape and amenity of the neighbourhood and the existence of similar structures in the neighbourhood.
- Structural stability of the proposed work.
- The possible effects of the structure on the safety of pedestrians and traffic conditions in the adjoining road system.
- The landscaping, both existing and proposed, and its effect on the embellishment of the proposed structure.

- The effects of the proposed structure on drainage.
- Current open space and open space utilisation on site.
- Levels of traffic on adjoining roads.

4. APPROVALS AND REQUIREMENTS

4.1 APPLICATIONS/OBTAINING APPROVAL

To see if you need approval/what sort of approval you require refer to our Development Control Plan no. 14 – Exempt and Complying Development. Some minor projects do not require approval under certain circumstances, some require a complying development certificate and others a development consent and construction certificate.

Generally, an application is not required for the replacement of timber or colorbond fences on secondary frontages (side boundaries), or corner allotments provided that fences do not exceed 1.8 metres in height and do not extend forward of the front alignment of the dwelling.

4.2 REQUIRED INFORMATION

Applications must be completed and signed by the owner, builder, architect or engineer and accompanied by documents as show on the relevant application form. Fees apply as listed in our Schedule of Fees and Charges which may be down loaded from our website.

Applications for enclosure of the site shall be accompanied by a statement setting out the reasons for the proposed wall.

5. PLANS

5.1 SITE PLAN

The site plan shall be drawn at a scale of 1:200 or 1:500 and include:

- (a) Boundaries and dimensions of the site including location of the proposed fence, with gate openings, offsets, splay corners and returns relative to boundaries and existing structures on the site.
- (b) Location and dimensions of any easements.
- (c) North point.
- (d) Location of vehicular crossings including obstructions such as power poles and gully pits.
- (e) Location of existing vegetation including trees having a girth in excess of 300mm.
- (f) Proposed landscaping including species and projected height at maturity.

- (g) A layout of proposed drainage lines, where necessary.
- (h) Foreshore Building Line, if applicable.

5.2 GENERAL PLAN

The general plan shall be drawn at a scale of 1:100 or 1:50 and include:

- (a) Elevations and plan view
- (b) Height, design, colours and construction of the fence
- (c) A sectional elevation of the wall including footings indicating adjoining ground levels and location of adjoining property boundaries, where relevant

6. SPECIFICATION

Specifications shall describe construction and materials of the fence, whether materials will be new or second-hand and include details of any proposed surface stormwater drainage or agricultural drainage.

7. GENERAL REQUIREMENTS

7.1 DIVIDING FENCES ACT

The provisions of the Dividing Fences Act, 1991, must be considered with the design of fences. This Act is not administered by Council. The provisions of this Act regulate the construction and repair of dividing fences between properties including procedures for the apportionment of costs between owners.

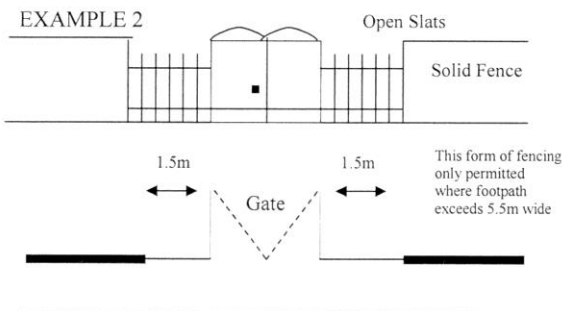
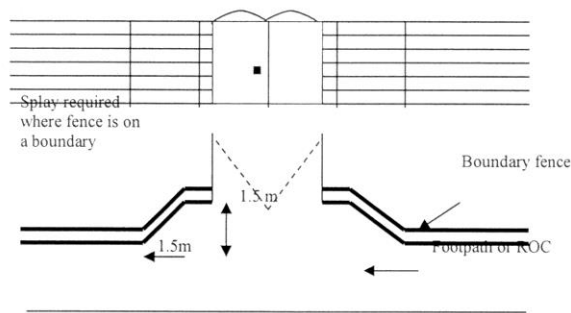
7.2 FENCE DESIGN

Fences shall be designed so as to be compatible with the adjoining buildings and fences and the natural surroundings.

The design should demonstrate architectural merit and relief from a mass of wall is encouraged by the use of vertical columns, brick capping, variable brickwork bonds, timber panel inserts and open metal or timber panels. Fences on premises with heritage classifications should be in harmony with existing building/s.

7.3 VEHICULAR ACCESS

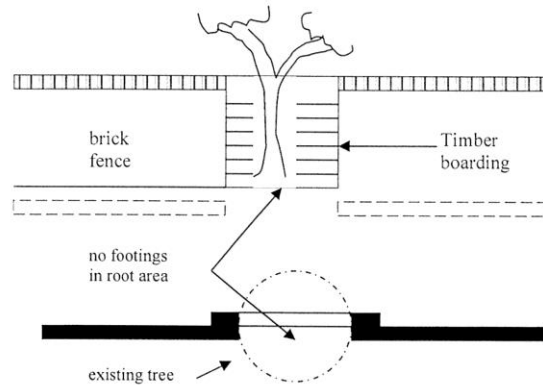
Openings for vehicular entries shall be designed to facilitate safe entry and exit conditions from the site and adjoining premises, i.e. visibility of pedestrians and ability to open gates with vehicles fully off the road (refer examples below). Gates shall open inwards to the property and provide a minimum unobstructed width of 2.5 metres. Consideration should be given to the location of access driveways to adjoining premises.



7.4 PLANTING

Where fences are required to be set back from the boundaries of the site, planting with species capable of reducing the visual impact of the fence shall be implemented. Plants and trees should be selected so that damage to the fence or footpath will not occur.

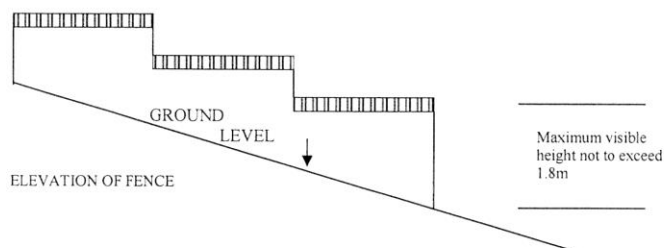
All existing trees subject to the Tree Preservation Order are to be preserved and provision should be made to prevent disturbance to root systems.



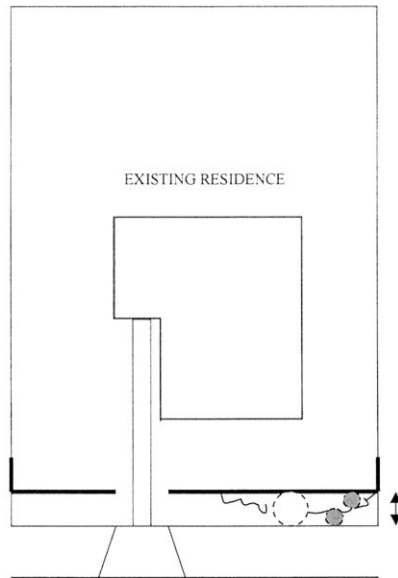
8. FENCING REQUIREMENTS - PRIMARY & SECONDARY BUILDING LINES

8.1 SOLID FENCES

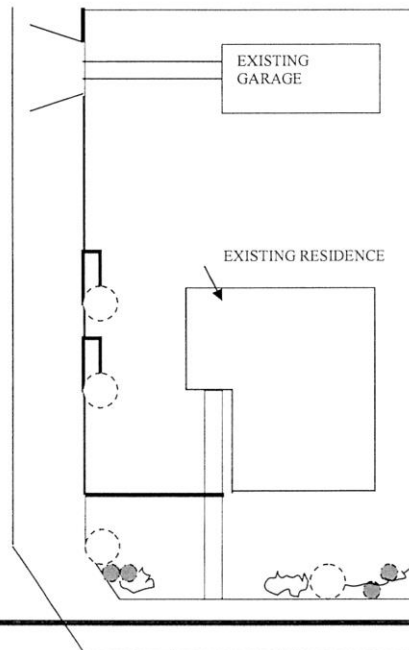
Solid fences such as block masonry, paling, brushwood and sheet or panelled fences shall not exceed 1.8m in height at any point when measured above Council’s footpath level. (Note: concessions as expressed in Clause 4.1).



Solid fences to the primary frontage should be set back a minimum distance of 1.5m from the boundary. The setback area shall be landscaped to soften the appearance of the wall when viewed from the street. Solid fences of architectural merit utilizing columns, capping, variable brick bonds, etc. may be approved by Council on the boundary alignment.



Solid fences to secondary frontages on corner allotments may be constructed on the allotment boundary providing they do not extend forward of the front alignment of the dwelling.



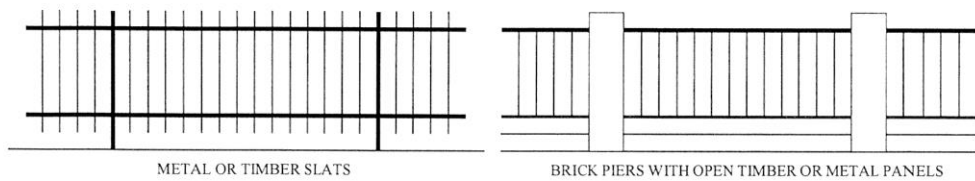
Hurstville City Council

Fences Adjacent to
Public Roads Code

8.2 OPEN TYPE FENCES

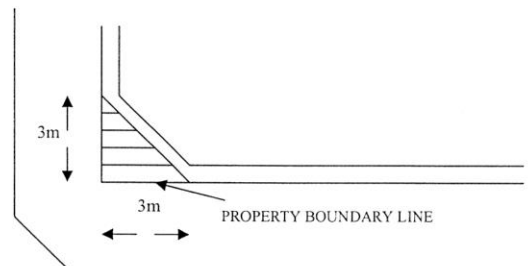
Open fences are those that are designed so that visibility to the enclosed area is not substantially restricted.

Open type fences must not exceed 1.8m in height above natural ground level but may be erected on the boundary alignment.



8.3 SIGHT LINES AT INTERSECTIONS

Where a solid fence is proposed at a road intersection, special consideration must be given to providing satisfactory sight distances for traffic. A 3m by 3m splay will normally be required in these locations.



Planting in the splay area should be trees with high foliage or low profile shrubs to maintain sight lines.

8.4 FENCING IN FORESHORE ZONES

Fencing in foreshore areas shall be designed to preserve views and to minimise disturbance to the natural landscape. Preference will be given to open type fences that are unobtrusive and do not restrict views.

Generally, solid fences will not be permitted between the Foreshore Building Line and Mean High Water mark.

8.5 BRICK FENCES

8.5.1 Footings.

Footings shall be reinforced concrete founded on a sound foundation and excavated to such a depth that the top of the footing will be 50mm below finished ground level, except for footings on a road boundary whereby the top of the footing must be 170mm (two brick courses) below finished ground level. No part of the footing shall encroach over the allotment boundary.

Where there is no existing kerb and gutter, Council must be consulted to obtain appropriate levels so that footings will be set below future footpaths.

8.5.2 Stability.

Stack bond or brick on edge will not be approved unless designed by a Consulting Structural Engineer. Properly bonded supporting piers are to be provided at not greater than 2m centres to single brick walls.

Free standing ends of brick fences shall be adequately supported by return walls that are a minimum length of half of the height of the wall and carried to the full height of the fence in matching bond.

8.6 DRAINAGE

Satisfactory provision shall be made for drainage lines to collect and discharge surface and seepage water to prevent damming of water on adjoining sites and to not interfere with the natural flow of surface water.

9. DIVIDING FENCES LAW

This law is administered by the Chamber Magistrate at your Local Court, and not the Council. You can obtain more information in the Department of Local Government publication "Dividing Fences Law" which explains issues like shared costs, recovering costs, fencing notices, and disputes. This publication may be downloaded from the Forms/Fees/Charges page of our website. For more information contact the Chamber Magistrate at your Local Court.

10. THE BUILDING CODE OF AUSTRALIA

For information on the Building Code of Australia (BCA): www.abcb.gov.au

11. TO CONTACT US

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www.hurstville.nsw.gov.au

Hurstville City Council

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*Fences Adjacent to
Public Roads Code*

4. Home Activities Policy

Note: The Home Activities Policy was originally adopted by Council on 15 August 2001.

Note: Certain home activities are exempt from requiring development consent (refer to Section 2 – Exempt & Complying Development).

In determining an application for a 'home activity' the following matters can be requested and need to be considered:

1. Additional information to be submitted with the DA to include:
 - Evidence of the qualifications of the operator and staff particularly for applications where it is intended to operate massage, natural and/or alternate therapies and other related activities from the premises.
 - Any other information that may be needed to validate the premises operations such as a statutory declaration signed by a Justice of the Peace.
2. Where appropriate, time limits can be placed on any conditions of development consent. This enables council to review the operation of a Home Activity after a designated time period and determine actual impacts. If required, this may result in additional controls being placed on the activity or consent revoked if there are ongoing problems.
3. Where it is necessary to protect residential amenity, standard hours of operation can be imposed as a condition on any development consent. The standard hours recommended are 8.30am to 5.30pm, Monday to Friday, 8.30am to 2.00pm Saturdays and no work on Sundays.
4. Council has the discretion to require that vehicles parked on the site be capable of leaving the premises in a forward direction. This will ensure that proposals that may have a detrimental parking and traffic impact will not be approved.

5. Balcony Enclosures in Residential Flat Buildings Policy

Note: The Balcony Enclosures Residential Flat Buildings Policy was originally adopted by Council on 28 February 2001

1. The full enclosure of balconies required by Council's Code to provide private open space for dwelling units in residential flat buildings be discouraged unless all of the following criteria can be satisfied:
 - The dwelling unit has an alternative (ie, second balcony) which satisfies the open space requirements of Council's Codes.
 - The enclosure does not cause the gross floor plan area to exceed the permissible floor space index for the allotment on which the building stands.
 - The external appearance of the building is not degraded when visible from a public place.
 - The building is recessed within the line of the external walls or is framed by solid walling, piers or columns and is under the main roof line of the building.
 - The deemed to satisfy requirements of the Building Code of Australia are satisfied relating to vertical fire separation between storeys and with respect to fire exposure to boundary or other building fire source features, and the requirements for the safe cleaning of windows within acceptable reach from within the building.
 - The outdoor amenity of a balcony due to its exposure to the elements or to a significant noise source is so adverse for the majority of time and seasons that it is rendered totally unusable for recreational purposes.. The actual exposure to elements such as wind, rain, noise be documented by an appropriately qualified person in a Statement of Environmental Effects.
 - The enclosure is subject to no blinds or curtains being installed behind glass to provide sun shading or tinting to reduce heat build up on the balconies and the Owners Corporation of the Strata Plan be required to endorse and enforce this requirement through its By-Laws.
 - Glare and rogue reflections to traffic (pedestrian or road traffic) can be shown not to be significant for enclosures involving more than 50% glass area compared to the area of the respective elevation of the balcony.
 - The building alterations are designed by a qualified architect in accordance with urban design guidelines.
2. The enclosure of balconies which project outside the main external wall line be not approved.
3. The enclosure of balconies with full storey height glazing be not approved.
4. The piece-meal enclosure of balconies be not approved, but the balcony enclosures may only apply to one side/section of a building.
5. For balcony enclosures which satisfy the criteria in (1) above an overall scheme shall be implemented with the Concurrence of the Owners Corporation of the Strata Plan using the same materials or materials which will harmonise with the materials existing in the building façade.

5. Balcony Enclosures in Residential Flat Buildings Policy

6. Partial enclosure of balconies be allowed on the same terms and conditions as specified in 5 above.
7. The enclosure of balconies on landmark buildings be denied, i.e. those buildings which are both clearly visible when seen on a viewing axis towards Hurstville and clearly distinguishable from other buildings (eg. 323 Forest Road (Meriton), 109 Forest Road (Forest View)) but not those which are simply visible when a fair distance from Hurstville (eg. 2 original Meriton towers).

6. Code for Commercial Use of Public Footways

A. INTRODUCTION

A.1 Title

The title is the Code for Commercial Use of Public Footways

A.2 Code's Purpose

The code's purpose is to encourage, control and regulate the use of footways (footpaths) within Council's area for the benefit of the community by provision of seating areas and uses on footways for business purposes at no cost to Council, within clear criteria and with clear procedures for enforcement of approvals or any failure to obtain approval.

The code will APPROVE sidewalk cafes or tables, chairs, umbrellas, pot plants and the like placed on footways within Hurstville City Centre Business Zone, City Centre Commercial Core Zone and General Business Zones.

This code will PROHIBIT free standing signboards and goods/articles placed or displayed on the footways within Hurstville City Centre Business Zone and City Centre Commercial Core Zone.

This code will APPROVE free standing signboards and goods/articles placed or displayed on the footways within General Business Zones.

A.3 Legislative Provisions

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place any matter or thing on a footway or road without the prior approval of the Council.

Roads Act:

S125(1) A council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the council) to use part of the footway for the purposes of the restaurant.

S125(2) An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the council determines.

Local Government Act:

S68 E2 – Erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

S68 F7 – Use a standing vehicle or any article for the purpose of selling any article in a public place.

A.4 Local Environmental Plan

Hurstville Local Environmental Plan 1994 prohibits the use of any public road for any development without Council's prior consent.

A.5 Local Approvals Policy

A.6 Definitions

All words have means as defined by the Acts and Regulations referenced by this Code and common meanings, except that:

Articles means any matter, material, structure, fixture, fitting, furniture or sign

Council means Hurstville City Council

General Business Zone means Zone 3(a) and Zone 3(c) in Hurstville Local Environmental Plan 1994 and covers all business areas other than the Hurstville City Centre.

Hurstville City Centre Business Zone means Zone 3(b) in Hurstville Local Environmental Plan 1994.

Hurstville City Centre Commercial Core Zone means Zone 3(d) in Hurstville Local Environmental Plan 1994.

Sidewalk Café means a permanent structure of an enclosed or semi-enclosed type erected on or over the public footway where food is served to customers as a restaurant or in conjunction with an existing restaurant on the adjacent private property.

B. OBJECTIVES

The objectives of this code are:

- To inform the business community and general public of the criteria which will be applied by Council when determining applications under Section 125 of the Roads Act, 1993, or item 2 Part E and item 7 Part F of Section 68 of the Local Government Act 1993;
- To inform the business community and general public of the procedures to be followed when applying for approval under Section 125 of the Roads Act, 1993 or of an activity specified in item 2 Part E and item 7 Part F of Section 68 of the Local Government Act 1993;
- To provide for the establishment of sidewalk cafes;
- To establish criteria for approval which will limit activities on footpaths so as to ensure the safe and convenient passage of pedestrians including persons with visual and other physical disabilities; and
- To ensure that the visual and physical amenity of a locality is not impaired by the unattractive and ill-considered proliferation of signs and trading on public footpaths;
- To encourage trading in Council's commercial centres by providing a more vibrant and colourful atmosphere for shoppers.

C. APPLICATIONS FOR APPROVAL

Businesses seeking:

- i) Sidewalk cafes, or
- ii) To place tables, chairs, pot plants and umbrellas, or
- iii) Signboards, or
- iv) Goods/articles

on footways within Hurstville City Council must obtain the prior approval of Council.

C.1 Combined Application

Council will accept a combined application under the Environmental Planning & Assessment Act 1979 and the Local Government Act 1993 in the prescribed (approved) form.

Council, as the owner, consents to the making of an application for a use permissible under this code by the business adjoining the area of footway to which the application relates.

An application shall be made to Council in the approved form, accompanied by a plan of the footpath area and the appropriate fees.

The required plan must be drawn to scale (1:50 or 1:100) and include:

- Boundaries of the proposed seating area;
- Kerblines of the street;
- Building line of the shop and adjacent shops either side;
- Any existing street furniture, litter bins, garden beds, street trees or light poles;
- Proposed position of all tables, chairs, umbrellas, planters, bollards or articles;
- A brief description of each component including dimensions, colours and materials; and
- Proposed shop names or logos which are to be included on any furniture in the approved area or as part of the umbrella design.

C.2 Application Fees

Application fees will be charged in accordance with the schedule of fees adopted under Council's management plan however, fees will never exceed those amounts prescribed by regulations under the Environmental Planning & Assessment Act 1979 and the Local Government Act 1993.

C.3 Notification of Applications

Applications may be notified to neighbouring property owners who in Council's opinion may be adversely affected by any approval which may be granted by Council.

C.4 Determination of Applications

Applications will be determined in accordance with the relevant provisions of both the Environmental Planning & Assessment Act 1979 and the Local Government Act 1993. Council will issue a combined approval or refusal upon determination.

Approval, if granted, will be limited in time to a period not exceeding twelve (12) months. A variation to this requirement MAY be considered for sidewalk cafes.

C.5 Tenancy

Upon approval of the application, tenancy will be permitted by a license agreement between the applicant and the Council.

D. CRITERIA FOR APPROVAL

D.1 Public Health, Safety and Convenience

D.1a Minimum Clearance

- This Code only applies to footways with a minimum total clear width of 3.5m.
- A minimum clearance of 1.8 metres is to be maintained between furniture and the building or the kerb line or any other article on the footway.
- In localities with high pedestrian traffic, e.g. near pedestrian crossings, at entry to arcades, adjacent to bus stops or strips of footpath between nodes of high pedestrian population, a clear width of footpath of not less than 3m shall be maintained. This criteria will be administered at Council's discretion on the merit of individual applications.
- Pedestrian aisles shall coincide with those aisles in front of adjacent premises.
- If the Council considers that the proposal would be an undue interference with smooth pedestrian flow, approval will not be granted. In some instances, an approval may be granted for a one month trial period.

D.1b Wind resistance

All articles placed on footways must be stable in wind gusts of 33m/sec (120k/hr).

D.1c Marked Area

If the application is successful, the boundaries of the approved area must be marked using bollards, pavement markers, planters or other forms (approved by Council) to enclose and appropriately denote the area on site.

D.2 Permitted Uses

D.2.a In Hurstville City Centre Business Zone

The following articles may be placed within approved areas of the footways within Hurstville City Centre Business Zone subject to Council's approval and specific criteria in this code:-

- Tables & Chairs
- Umbrellas
- Pot Plants (no cut flowers)
- Bollards, pavement markers, planters, rope fence or like article used to delineate approved areas (no signs)
- Structures for Sidewalk Cafes

All other articles are deemed prohibited as Council believes that the general display of goods and articles on the footways of the City Centre area will conflict with the amount of pedestrian traffic in Council's major shopping centre and will detract from the retail and commercial image being sought for this zone.

D.2b In General Business Zones

The following articles may be placed within approved areas of the footways within General Business Zones subject to Council's approval and specific criteria in this code. All other articles are deemed prohibited:

- Tables & Chairs
- Umbrellas
- Pot Plants
- Bollards, pavement markers, planters, rope fence or like article used to delineate approved areas
- Structures for sidewalk cafes
- A-Frame sign board
- Goods for sale
- Food (see restrictions)
- Pay Phone
- Dispensing Machines and Display Units
- Sun blinds
- Hanging Baskets

D.3 Furniture

Tables, chairs, umbrellas and pot plants placed on the footway shall comply with the following:

- All street furniture shall be supplied by the licensee and the licensee shall be responsible for the placement and removal of all such furniture.

- No furniture or other structures may be fixed to the pavement unless directed to do so by Council and then only in the matter stipulated.
- The licensee will be responsible for cleaning the area and shall remove the furniture when the adjoining business is closed.
- All outdoor furniture, other facilities and the pavement shall be kept clean and free of food scraps, litter and other droppings.
- Outdoor furniture should be maintained within the licensed area at all times and kept in a physically sound and acceptable condition to the satisfaction of Council.
- Adequate food and health standards are to be maintained to Council's satisfaction.
- The licensed area if open to the sky should provide umbrellas or some similar temporary form of cover to provide sun protection for clients.
- Umbrellas must be fixed securely to tables and/or anchored in a manner acceptable to Council.
- Advertising for the shop name or logo by means of fixtures to furniture shall not exceed two single sided signs and the face area of each shall not exceed 0.5 square metres.
- Pot plants within a licensed area may be free standing pots or stands or be hanging baskets.
- The Licensee shall repair any damage caused to Council's footway by the installation, maintenance, removal or demolition of the fixtures or improvements so as to restore the land to its condition at the commencement of the licence.

D.4 Specific Criteria for Permitted Articles

Activity	Specific Criteria in Addition to General Criteria
Tables & Chairs	Tables and chairs complying with the above criteria may be permitted where the minimum total clear width of the footway is 3.5m. No Nuisance shall be caused to pedestrians when serving food to tables.
Umbrellas & Pot Plants	Umbrellas complying with the above criteria may be permitted where they are provided together with a table. Pot plants for display purposes may be free standing pots, stands or hanging baskets provided they are located within the licensed area.
Bollards, planters, rope fence or like article used to delineate approved areas	Size – minimum height 750mm - maximum height 1100m
A frame signboard	Size – maximum width 600mm - minimum height 750mm - maximum height 1100mm. Location – must be placed against wall of building Appearance – must be attractive and professionally sign written Ensure stability in wind gusts by counter-weighting.
Goods for sale	Size – maximum width 600mm - minimum height 750mm Not to occupy more than 1.5m ² and is not to exceed a width of 600mm for each 6m of shop frontage.

Activity	Specific Criteria in Addition to General Criteria
Food for sale or consumption	<p>No food shall be served to tables unless area licensed as a sidewalk café.</p> <p>No food except for fruit & vegetables stored not less than 750mm off the footway shall be placed on or over a footway. No objection to consumption of food at tables when taken there by the customer.</p> <p>Not to occupy more than 1.5m² and is not to exceed a width of 600mm for each 6m of shop frontage.</p>
Pay phone, brochure/magazine display unit, sweet and drink dispensing machines	<p>Size – maximum width 600mm</p> <ul style="list-style-type: none"> - minimum height 750mm - maximum height 1100mm <p>Only one of these articles per 6m of shop frontage. Not to occupy more than 1.5m² and is not to exceed a width of 600mm for each 6m of shop frontage.</p>
Cut flowers and Pot plants	<p>Size – maximum width 600mm</p> <ul style="list-style-type: none"> - minimum height 750mm - maximum height 1100mm <p>Shall be arranged so that displays are at least 750mm in height above the footpath.</p> <p>It is important that buckets of flowers on footpath surface be under other displays if overall height is less than 750mm.</p> <p>Note: Separate permit to sell living plants will need to be obtained from the Department of Agriculture.</p>
Sun blinds or Hanging baskets	<p>Secure fixing of articles is essential. Blinds shall only be installed parallel to kerb where protection of shop window display is necessary from eastern or western sun.</p> <p>No advertising permitted on blinds without the prior consent of Council. Minimum clearance of bottom edge of article is to be 2.1m above footpath.</p> <p>Hanging articles are not to unreasonably obscure pedestrian viewing of under awning signs or neighbouring shops.</p> <p>No article is to hang so as to protrude beyond the front edge of the awning.</p>

Note: See diagrams in this section for further guidance

D.5 Conduct of Business

- The activity must be related to the approved commercial use of the adjacent shop and not be associated with any residential use of the premises. NOTE: Premises licensed to sell alcohol are subject to further restrictions on sale and consumption as set out below.

- Council may at its discretion determine the hours of use appropriate to the use of footways and will take into consideration:
 - Existing consented hours;
 - Periods of high pedestrian traffic;
 - Location relative to public transport nodes;
 - Location relative to shopping complexes and malls;
 - Location relative to public infrastructure;

- Location relative to churches; and
- Location relative to schools;
- Location of residential areas.

- No entertainment shall be permitted in the approved area without the prior consent of Council.
- Food must not be displayed or sold otherwise than in accordance with the relevant provisions of the Food Act 1989 or the Food (General) Regulation 1992.
- The fit out and construction of food premises must comply with the National Code for the Construction and Fit out of Food Premises as published by the Australian Institute of Environmental Health.

D.6 Building Access & Egress

- Access and egress must be maintained to all premises including the premises subject of any approval and consent to use the footway.
- The width of required emergency exits must not be diminished or encroached upon by any use of the footway.
- The use of the footway must not interfere with the safe vision of drivers entering or leaving premises.
- Access shall always be provided to public utilities.

D.7 Public Risk Insurance and Legal Cost

- The applicant must obtain a public liability insurance policy including a clause indemnifying Council in an amount of, not less than, \$10 million against any action that may arise from damage to property or injury to any person using the footpath or public road in the vicinity of the activity for which approval is sought.
- A certificate of currency for the required insurance must be submitted to Council prior to the release of any approval by Council stating Council's interest for a period not less than twelve (12) months from the date of the approval.
- The applicant shall pay all Council's legal costs and any other costs associated with the preparation of a license agreement.

D.8 Other activities not associated with adjacent business premises

Certain other activities that may be approved by Council under S68, F7 are not dealt with by this code as they are not by necessity associated with an adjoining shop or business premises. These activities are generally of a casual nature and occur on specific days such as during carnivals or festivals.

Activity	Comment
Charity stalls on a public place	Approved on application in specific locations only and subject to conditions. Must comply with the National Code for Food Vending Vehicles and Temporary Food Premises published by

	the Australian Institute of Environmental Health. A Section 68, D1 approval is required on community land.
Market stalls on a public place	Approved on application in specific locations on specific days. Must comply with the National Code for Food Vending Vehicles and Temporary Food Premises published by the Australian Institute of Environmental Health. A Section 68, D1 approval is required on community land.
Hot dog barrows or similar food vans in fixed locations	Not approved, except during carnivals or festivals. Must comply with the National Code for Food Vending Vehicles and Temporary Food Premises published by the Australian Institute of Environmental Health.
Spread sheet, rug, stand or hanging display not associated with adjoining premises	Not approved, except during carnivals or festivals.
Newspaper stand	Subject to the location being suitable and the activities providing a service to the community.

E. ENFORCEMENT

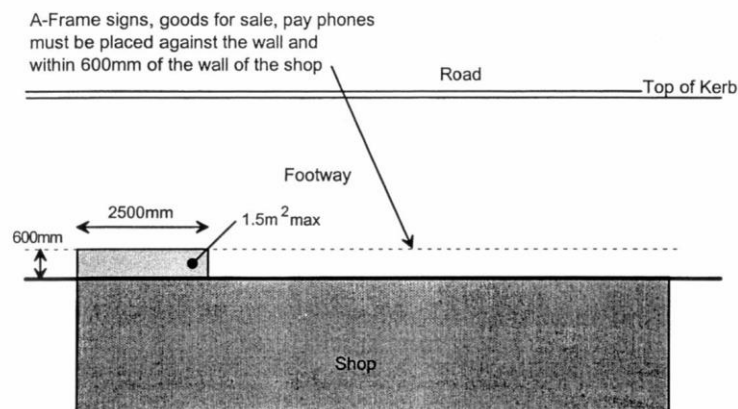
- Any approvals granted by the Council to activities included under Section 68, E2 of the Local Government Act will be granted for a time limited period not exceeding twelve months.
- Licenses must be clearly displayed by the Licensee and presented on request to certified Council officers.
- In the event that Council cancels the licence then it may be cancelled by notice in writing by the Council to the Licensee given at any time on receipt of which the licensee will remove all material from the footway and shall have no other rights under the agreement.
- Council may revoke the agreement giving three (3) months notice in writing.
- On the expiry of the approval period, all articles on or over the footpath shall be removed from the footway, unless a further application is made to and approved by Council.
- Failure to comply with any of the requirements of this Code or conditions of approval will result in the following enforcement procedure being followed:
 - 1) On the first breach, Council's authorised officer may issue a verbal warning and this warning will be recorded on Council's property file for the premises adjoining the footway area subject of the approval.
 - 2) On the second breach, the applicant or person acting other than in accordance with the approval may be issued an on-the-spot infringement notice pursuant to the Justices (Short Descriptions of Local Government Offences) Regulation 1993.
 - 3) On the third breach, Council shall be entitled to terminate the license without further warning.

F. SIDEWALK CAFES

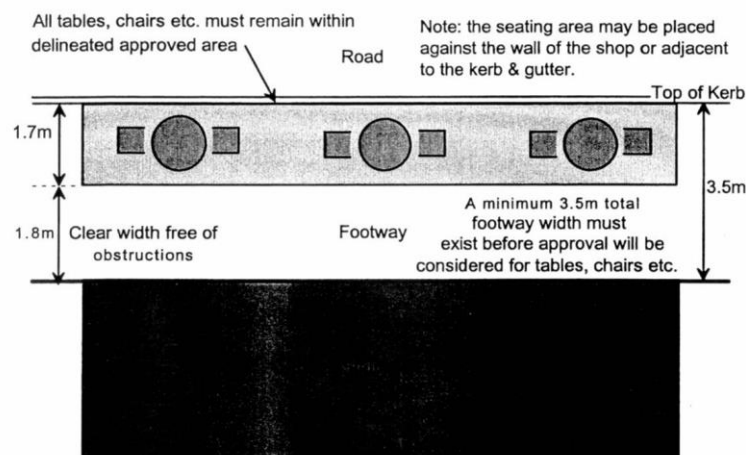
- A "sidewalk café" may include the installation of columns, walls, roofs and/or furniture permanently in the footway areas to provide a restaurant area of an enclosed type.

- Application for a sidewalk café shall be submitted to Council for approval and shall generally accord with the objectives and criteria of this Code.
- The Council will be prepared to consider exemptions from the requirements of this Code to permit a sidewalk café and the reasons for any such claim shall be in writing.
- The licence fees for sidewalk cafes will be set under Council's Management Plan and may vary from the fees set for placement of furniture or other articles on footways.
- A licence agreement shall be entered between the applicant and the Council for a period to be agreed between the parties and shall have a 30th June expiry date.

Article on Footways in General Business Zones



Tables, Chairs, Umbrellas, Pot Plants & Bollards in Hurstville City Centre & General Business Zones



Note: the above minimum requirements may be increased on merit where the objectives of this code cannot reasonably be achieved to Council satisfaction.

G. ORIGIN OF CODE

Council, on 2nd November, 1994, adopted a code titled “Code to Control and Regulate the Placement of Goods/Articles and Freestanding Signboards on the Footpath of Public Roads within the City of Hurstville” (“the old code”). The old code was amended on 18th January, 1995 and repealed with adoption of this code on 11 December, 1996.

This code was modelled on the old code with the main aim being to expressly prohibit any articles other than tables, chairs, bollards and umbrellas being placed on the footways within the City Centre Business Zone (“Hurstville CBD”) with general business zones continuing to operate under the same conditions of the old code.

This new code was adopted by Council for public exhibition on 11 December, 1996. Council adopted this Code with a minor amendment, after public exhibition, on 26th February 1997.

This code was amended by Council at its meeting 26 February 1997 to refine the definition of a Sidewalk Café, refine requirements for tables and chairs and to permit the consumption of alcohol subject to compliance with the Code and Liquor Laws at tables and chairs associated with an adjoining licensed premises.

7. Satellite Dish Policy

Note: The Satellite Dish Policy was originally adopted by Council on 28 July 2004.

Objective:

To minimise the visual impact of satellite dishes in residential areas that may adversely affect the visual amenity of neighbours and the public domain.

Guidelines:

General

This policy is applicable to all residential dwellings. The following guidelines need to be considered when assessing an application to erect a satellite dish:-

Satellite dishes are:

- Not to be located on the front façade of buildings, or in front setback areas visible from the street.
- Located so as not to cast glare or interfere with neighbours views.
- To be consistent with the surrounding residential environment in terms of height, scale, colour and location.
- To be complementary to the design and character of the existing residential building.
- Restricted to one per building regardless of the number of units.
- Not to be located on balconies or carports.

A roof mounted satellite dish shall:

- Be located below the ridgeline of the roof (on a pitched roof).
- Not be placed on the dwelling if the diameter is in excess of 1.5 metres.
- Be of a colour consistent with the roofing material.
- Not to be installed on a flat roof (unless on a residential flat building).
- Not front the street.

A ground mounted satellite dish shall:

- Not exceed a maximum height of 1.8 metres.
- Be setback from the side and rear boundary by at least three (3) metres. All parts must be within property boundaries and must not encroach onto any adjoining property or over any public space including a road.
- Be adequately screened (for eg; by vegetation).

8. Code for the Erection of Private Tennis Courts

Purpose

This Code has been established to outline Council's policy in respect of private tennis courts on residential land.

Each application will be considered on its merits, having regard to the aims and guidelines detailed in this Code.

Aims of Code

- a) To provide guidelines for the erection of private tennis courts on residential land.
- b) To permit the reasonable enjoyment of land by recognising the rights of individuals to develop their land.
- c) To ensure that private tennis courts do not adversely affect the amenity of the locality by their visual impact.
- d) To control the use of private tennis courts so there is no adverse impact on the neighbourhood due to loss of privacy, excessive noise or spill or artificial light.
- e) To maintain, where possible, existing trees that are subject to the Tree Preservation Order.

Approvals and Requirements

A development consent and a construction certificate must be obtained for all private tennis courts on residential land.

Required Information

Application for approval must include 6 copies of plans and specifications and the following information:

- a) Details of proposed hours of operation
- b) Details of proposed artificial lighting including any shields
- c) Details of proposed court surface
- d) Details of proposed perimeter landscaping, acoustic screens or similar
- e) Details of site filling or excavation works, including retaining walls

Plans

Site Plan

The site plan must include:

- a) location and dimensions of the site including location of the proposed tennis court relative to boundaries and existing structures on site.
- b) location of structures on adjoining properties.
- c) location and dimensions of any easements.
- d) north point.
- e) location, size and type of existing vegetation on site including any species to be removed.
- f) existing drainage lines and proposed stormwater drainage system for the tennis court.
- g) location of any proposed lighting.

General Plan

The general plan shall show the elevation from adjoining properties, including details of height and construction materials of proposed fencing and details of artificial lighting, including any shields.

Design and Siting of Private Tennis Courts

Location

Private tennis courts must comply with the following setbacks:

- a) The tennis courts must be sited to provide a minimum separation of 1.5m from site boundaries and 6 metres from adjoining dwellings.
- b) The tennis court must comply with the Building Line adopted by Council. Details may be obtained from Council.
- c) Tennis courts are not permitted between Mean High Water Mark and the Foreshore Building Line.
- d) Tennis courts must be located to maintain existing substantial trees and shrubs where possible.

Design

To minimise impact on adjoining premises the following guidelines must be used in the design of private tennis courts.

- a) Fencing shall not be solid – black or green PVC costed wire fencing is preferred.
- b) Extensive planting must be provided between the tennis court and site boundaries to provide a dense screen.
- c) Site excavation and filling must be kept to a minimum. Retaining walls may be required where cut or fill exceeds 600mm.

- d) Tennis courts in Foreshore Scenic Protection Areas must be designed to be unobtrusive and complement the surrounding area, maintain water views and to minimise the visual appearance from waterways.
- e) Artificial lighting will not be considered unless lighting is shielded to prevent the spill of light onto adjoining properties. Technical details of the lighting shall be submitted by a lighting consultant expert in that field of design. Glare from lighting to adjoining neighbours is to be eliminated.

Drainage

Surface water must be connected by way of 100mm PVC pipeline to:

- a) The street gutter; or
- b) An existing common drainage line; or
- c) Council stormwater drainage line subject to the approval.
- d) Water storage tanks with drip feed water irrigation system. Overflows of water storage tanks are to be directed to the street gutter where possible; or
- e) To a minimum 3000mm long x 600mm deep absorption trench, located at right angles to the fall of the land and a minimum of 3m from boundaries and other building boundaries. This method will only be permitted where it is not possible to use any of the above methods and conditions favour on-site disposal.

A kerb or dish drain must be provided to the lower side of the tennis court to collect and channel stormwater to a 450mm x 450mm by 600mm deep gully pit.

Hours of Operation

Use of tennis courts will be limited to between the hours of 7.00am and 10.00pm, except where varied by conditions of approval.

9. Stencilling of Street Driveways Policy

Adopted by Council
20 March 2002

(1) THAT Council affirms the policy that all driveways in Hurstville are finished in plain concrete, and

(2) FURTHER, THAT in streets which have brick paved surfaces, driveways are constructed to Council's Engineering Specification including a concrete base with matching brick paving surface.

10. Underground Electricity Cabling to Developments Policy

Adopted by Council
6th July, 1978

THAT in all future roaded subdivisions, electricity supply be undergrounded.

Minute Number 626

Adopted by Council
12 November 1997

- 1) For all developments in the Hurstville CBD –
 - Developer to pay full costs of undergrounding low voltage cables adjacent to the development.
 - Developer to provide conduits only for future undergrounding of high voltage cables.

- 2) For all commercial/industrial and medium high density residential developments elsewhere in the City –
 - Developer to provide conduit for future undergrounding of low voltage cables only.
 - Developer to provide connection to future underground supply to development.