

The Hills Development Control Plan (DCP) 2012

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THE
HILLS
Sydney's Garden Shire



Part A Introduction

A

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1. Introduction

1.1 NAME AND STATUS OF THE PLAN

This Development Control Plan has been prepared in accordance with Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), and is to be referred to as 'The Hills Development Control Plan 2012'.

The provisions of this Development Control Plan are amongst the considerations that are relevant when Council determines any application for development of land within the Shire.

1.2 LAND TO WHICH THIS DEVELOPMENT CONTROL PLAN APPLIES

This Development Control Plan applies to all land within The Hills Shire.

Note: Separate Development Control Plans apply to the growth centres precincts known as 'North Kellyville' or 'The Hills Growth Centre' (i.e. Box Hill) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). These Development Control Plans are known as the 'North Kellyville Development Control Plan' and the 'Box Hill and Box Hill Industrial Precincts Development Control Plan'.

The provisions of the North Kellyville Development Control Plan and the Box Hill and Box Hill Industrial Precincts Development Control Plan apply to those precincts, unless specifically stated in those Development Control Plans that provisions of this Development Control Plan apply. Where there is an inconsistency between those Development Control Plans and this Development Control Plan in respect of land within those precincts, the provisions of the Development Control Plan applying to those precincts shall apply to the extent of the inconsistency.

1.3 PURPOSE OF THIS DEVELOPMENT CONTROL PLAN

The purpose of this Development Control Plan is to guide development outcomes within The Hills Shire. Relevant provisions within this Development Control Plan, along with other relevant planning legislation and policy, will be considered by Council in the assessment of development applications.

1.4 HOW TO USE THIS PLAN

This Development Control Plan consists of a written document and maps, and is divided into a number of Parts. Within each Part are a number of Sections.

Except as otherwise indicated, the provisions in each Part apply to all land identified in 'Land to which this Development Control Plan Applies' above.

Unless otherwise provided in the Glossary in this Part of the Development Control Plan, definitions for terms used in this Development Control Plan will be those definitions used in the EP&A Act, EP&A Regulation and The Hills Local Environmental Plan 2012.

A development may be required to meet development standards contained in different parts of the Development Control Plan. Examples are provided as follows:

Example 1:

A development application for a residential flat building will need to comply with provisions in the following Parts:

- *Introduction*
- *Residential Flat Buildings*
- *Parking*
- *Landscaping*

- *Waste Management Plan*

Example 2:

A development application for a veterinary hospital proposed on land zoned RU2 Rural Landscape will need to comply with provisions in:

- *Introduction*
- *Rural*
- *Parking*
- *Signage*
- *Landscaping*

1.5 OBJECTIVES, OUTCOMES, PERFORMANCE CRITERIA AND DEVELOPMENT CONTROLS

An applicant may request a variation to any development control, provided that the outcomes/objectives of the specific development control and the relevant Section/s of the Development Control Plan as a whole can still be achieved. The applicant must provide a written statement as part of their development application (for instance within the Statement of Environmental Effects) to support any request for a variation to the Development Control Plan.

2. Development Assessment Pathways

Most development requires a development application, except when it is identified as Exempt or Complying Development. Requirements for these types of development are set out under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP), or within Schedules 2 and 3 of The Hills Local Environmental Plan 2012.

2.1 EXEMPT DEVELOPMENT

In general, Exempt Development is low impact, minor development, such as small-scale additions to existing homes, garden sheds, decks and awnings.

If a development meets all the pre-determined standards and criteria as set out in either the Codes SEPP or Schedule 2 of The Hills Local Environmental Plan 2012, no form of approval is required.

2.2 COMPLYING DEVELOPMENT

Complying Development is common or routine development that has predictable and minor environmental impacts. Examples of complying development include building a new house, renovating an existing house or undertaking alterations to commercial or industrial buildings, if the development meets all the pre-determined standards and criteria as set out in the legislation. Secondary dwellings or 'granny flats' can also be undertaken as complying development, however the relevant controls for these are under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Complying Development approval comes in the form of a Complying Development Certificate (CDC) which can be issued by either Council or a private certifier.

2.3 LOCAL DEVELOPMENT

Where a development is permissible with consent and does not fit into the exempt or complying categories, a development application needs to be submitted and determined by Council. The design of the development is to be in accordance with the relevant provisions of this Development Control Plan. A variation from the development controls may be considered as detailed in Section 1.5 – Objectives, Performance Criteria and Development Controls.

3. Advertising & Notification Procedures

The purpose of this section is to establish a clear process for public participation in the development assessment process. The notification procedures outlined below aim to balance the public's right to participate in the development assessment process whilst minimising delays in the processing of low impact development applications.

3.1 MANDATORY ADVERTISING/NOTIFICATION

Planning legislation requires some developments to be advertised in a local newspaper and/or notified to adjoining property owners and relevant public authorities. These types of developments are generally larger scale and/or require approval from one or more public authorities.

Applications which require advertising/notification under legislation are identified below and, if applicable are required to pay an advertising fee at the time of lodgement in accordance with Council's Fees and Charges:

- Nominated Integrated Development
- Threatened Species Development
- Class 1 or Class 2 Aquaculture Development
- Designated Development
- State Significant Development

Note: See Section 7 – Glossary for definitions of these development types.

3.2 NOTIFICATION OF DEVELOPMENT APPLICATIONS

Written notification to owners of adjoining and adjacent properties will be undertaken for local development that is permissible with consent except for where identified in Section 3.4 Circumstances Where Notification is not Required.

Council may also notify additional landowners in the vicinity of a development site, if it is considered the application may have a greater impact. In determining whether to extend or limit the extent of notification the following factors may be considered:

- Siting and design
- Views
- Visual and acoustic privacy
- Access
- Overshadowing
- Public interest
- Topography
- Solar access
- Drainage
- Landfill
- Traffic generation

3.3 NOTIFICATION TIMEFRAMES

The notification period for local development is to be a minimum period of 14 days however may be reduced to 7 days in special circumstances. The period of time may also be extended depending on the circumstances of the case. Timeframes for Mandatory Advertised Development is specified in legislation however is generally 30 days, commencing on the day after which the notice of the application is first published in a newspaper. Any notification period shall not include the last week of December and the first week of January in any year.

3.4 CIRCUMSTANCES WHERE NOTIFICATION IS NOT REQUIRED

No notification of adjoining and adjacent properties is required for the following types of development applications, if the proposal complies with all applicable development controls (LEP, DCP & other relevant policies) and/or it is considered by Council that the development is unlikely to have a detrimental impact on those properties:

- New rural sheds ancillary to residential use
- New rural fencing
- New tennis courts ancillary to residential use
- Strata subdivisions
- Subdivisions to adjust property boundaries where no additional lots are created
- Where the development site does not adjoin a residential property

Where a development application is not notified by Council in accordance with the above provisions, adjoining and adjacent property owners will be sent a courtesy letter advising that an application has been received that is in accordance with the requirements of the development control plan. The letter will state Council will not be formally notifying or inviting submissions for the application which will be determined within the requirements of the *Environmental Planning and Assessment Act, 1979* no sooner than 14 days from the date of the letter.

3.5 CONCILIATION CONFERENCES

If more than 10 submissions are received relating to a development application during a formal notification period, Council will host a conciliation conference. All conferences are chaired by the Mayor or the Mayor's nominee.

4. Lodging a Development Application

Guidance on lodging development applications can be found within Council's Development Application Lodgement Guide and relevant Fact Sheets available from Council's Customer Service Centre or on Council's website (www.thehills.nsw.gov.au).

5. Ecologically Sustainable Development

Ecologically sustainable development is defined in The Hills Local Environmental Plan 2012 Dictionary. In order to fulfil Council's statutory responsibilities as required by Schedule 2 of the EP&A Regulation; the Local Government Act 1993, development is required to meet Council's ESD Objectives.

5.1 COUNCIL'S ESD OBJECTIVES

ESD 1 – To apply the precautionary principle where development is likely to cause short or long-term irreversible or serious threats to the environment.

ESD 2 – To allow for broad community involvement in respect to issues of concern throughout the development process.

ESD 3 – To ensure during the design, construction and operation of the development, that water is utilised efficiently and that water leaving the site is of a quality and quantity comparable to that which is received.

ESD 4 – To ensure that biodiversity and the integrity of ecological processes are not compromised by the development.

ESD 5 – To promote the following during the design, construction and operation of development:

- *the use of energy efficient materials and designs*
- *utilisation of renewable energy & materials; and*
- *energy efficient technology.*

ESD 6 – To follow the principles of the ‘Waste Hierarchy’ (reduce, reuse, recycle) in the use of materials and the design of waste recovery and disposal systems throughout the development process.

ESD 7 – To protect neighbourhood amenity and safety in the design and construction and operation of the development.

ESD 8 – To encourage the long-term economic viability and health of the community in the development process.

ESD 9 – To encourage the use of public transport, bicycles and pedestrian trips in the development and design process.

5.2 ACHIEVING THE ESD OBJECTIVES

In all aspects of the planning for, and development of, land, consideration must be given to achieving the ESD objectives listed.

As part of the Statement of Environmental Effects required to be submitted with all Development Applications a summary of the action taken in order to achieve these objectives must be included. Specific objectives and development controls are contained within this Development Control Plan which identify specific areas where ESD principles need to be carefully considered and provides controls detailing how these principles are to be achieved.

6. Construction of local transport infrastructure (local roads)

Despite any other provision of this Development Control Plan, where a local road or proposed local road is shown in this Development Control Plan on an allotment or allotments to which a development application relates and the applicable contributions plan does not require or authorise a monetary contribution towards the acquisition of that land or the construction of the road or associated asset relocation, water management devices, footpaths, street tree planting, traffic management devices and treatment, the development must include the dedication of that part of the allotment identified as local road or proposed local road to the Council free of cost together with the construction of the road and associated asset relocation, water management devices, footpaths, street tree planting, traffic management devices and treatment on any and all road frontages.

7. Glossary

The explanations included here are for purposes of clarification only and do not override the definitions in legislation.

Advertising area is:

- in the case of an advertising structure with one surface area which is used or is to be used for advertising – that surface area;
- in the case of an advertising structure with more than one surface area which is used for advertising – the largest of such surface areas; or
- in any other case – one third of the total surface area of the advertising structure that is to be used for advertising.

Annual Environmental Management Plan (extractive industries) is a report to indicate the overall performance and management of the operation. The Environmental Management Plan may use and/or reference as chapters the respective strategies/studies and other management plans required by for extractive industry development. As a guide, consideration should be given to addressing the following matters:

- Acquisition of all necessary licences and permits;
- On-site materials Management;
- Water Management;
- Acoustic Management;
- Air quality Management;
- Transport routes, access & movements;
- Rehabilitation Management, including consultation with community groups;
- Identifying risks and safeguards and the confidence level of contingency/emergency plans;
- Compliance with the conditions of consent;
- Compliance with the objectives of this Appendix;
- Advice & recommendations of all relevant state government agencies; and
- Recommendation to adjustments to operation procedures to improve the overall performance of the extractive industry.

The Environmental Management Plan may be required to be accompanied by a Statement of Compliance and a Survey Plan to clearly illustrate the status and performance of extraction and rehabilitation.

Annual Exceedance Probability (AEP) is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. E.g. if a peak flood discharge has an AEP of 5%, it means that there is a 5% chance (that is one-in-20 chance) of this peak flood discharge or larger events occurring in any one year (see ARI).

Annual Rehabilitation Management Plan (extractive industries) is a report which may be required every 12 months after the endorsed date of development consent to demonstrate and ensure the effective implementation of the Rehabilitation Strategy.

Aquifer (extractive industries) is rock or sediment in a geological formation, group of formations or part of a formation which is capable of being permeated permanently and can thereby transmit water.

Australian Height Datum (AHD) is the common national plane of level corresponding approximately to mean sea level.

Average Recurrence Interval (ARI) is the long-term average number of years between the occurrence of a flood as big as (or larger than) the selected event.

Batter (extractive industries) is an artificial, uniform slope or its inclination expressed as one vertical unit to so many horizontal units.

Building setback is the minimum distance that a wall, window or outer-most part of the building is required to be from a property boundary. It is measured as the horizontal distance between the proposed wall, window or outer most part of the building and the boundary.

Bund Wall (extractive industries) is an uninterrupted wall of earth normally built to such a height and location which can contain an area of water, sediment, hazardous liquid or the like.

Class 1/Class 2/Class 3 Aquaculture Development is the level of environmental risk of an aquaculture development (aquaculture being the keeping or cultivating of fish or marine vegetation for a commercial purpose), with Class 1 being the lowest risk and Class 3 being the highest risk. Given the higher environmental higher risk Class 3 Aquaculture falls under the category of Designated Development. Refer to the EP&A Act and Regulation for further information.

Co-siting (telecommunications) is the siting of a number of telecommunication facilities, often owned by different carriers, in one location.

Cumulative impact (telecommunications) is the impact of radiation from various sources or over time.

Design floor level or ground level (flood controlled land) is the minimum finished floor level or ground level that applies to the development. If the development is concessional development, this level is determined based on what land use category would apply if it was not categorised as Concessional Development.

Designated development is development which may have significant environmental impacts and requires additional consideration of such impacts (for example mining developments or chemical industries).

Direct seeding (extractive industries) is a seeding technique which may be as simple as collecting viable seeds from a community of plants and then paced/thrown onto a prepared/desired site and includes Hydro mulching.

Dust suppression (extractive industries) is the means by which dust particles and/or granules from gravel, sand or loose road or land surface material is suppressed by water spraying or dampening devices and includes:

- the removal of such material from roads in the vicinity where it is considered to be hazardous to general road users
- dust suppression equipment fitted to processing machinery.

Effective warning time (flood controlled land) is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people and transport their possessions to safety.

Electromagnetic radiation (EMR) is the radiation in the microwave and radiofrequency band of the electromagnetic spectrum.

Employment co-efficient (extractive industries) is the relationship between the number employed in extractive industry divided by its output/turnover and expressed in the number of jobs per million dollars of output.

Enclosed car parking (flood controlled land) is car parking which is potentially subject to rapid inundation, which consequently increases danger to human life and property damage (such as basement or bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

- Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m
- Drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

Environmental Management Plan (extractive industries) is a report which indicates the overall performance and management of the extractive industry operation.

Extractive material (extractive industries) is sand, gravel, clay, turf, soil, rock, stone and any similar substance such as bush-rock.

Flora/Fauna Monitoring Program (extractive industries) should establish the efficacy of buffer zones to protect and enhance opportunities for the further development of native species during the life span of extraction operation. May be included within the annual Rehabilitation Management Plan.

Flood is a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the Floodplain Development Manual (FDM) before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunamis.

Note: Consistent with the Floodplain Development Manual, this section of the DCP does not apply in the circumstances of local drainage inundation as defined in the Floodplain Development Manual and determined by Council. Local drainage problems can generally be

minimised by the adoption of urban building controls requiring a minimum difference between finished floor and ground levels.

Flood awareness is an appreciation of the likely effects of flooding and knowledge of the relevant flood warning and evacuation procedures.

Flood control lot is as defined in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Flood controlled land is land to which a flood related development control applies.

Flood evacuation strategy is the proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within any policy of Council, any FRMP, the relevant State government disaster plan, by advice received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

Floodplain being synonymous with *flood liable* and *flood prone land* is the area of land which is subject to inundation by the probable maximum flood (PMF).

Floodplain Development Manual (FDM) is the document published by the New South Wales Government and entitled "*Floodplain Development Manual: the management of flood liable land*" dated April 2005.

Floodplain Risk Management Plan (FRMP) is a plan prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

Floodplain Risk Management Study (FRMS) is a study prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

Flood Planning Levels (FPLs) are the combinations of flood levels (derived from significant historical flood events or floods of specific ARIs or AEPs) and freeboards selected for floodplain risk management purposes, as determined by Council. Under the influences of climate change, flood levels and FPLs may change with time.

Floodway areas are those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Flow-ons (extractive industries) are the non direct economic impact of an Extractive industry and includes those consumption and production induced Flow Ons.

Flowpath is the area affected by the concentrated flow of local overland flooding. This could be associated with stormwater discharges above ground due to an exceedance of the capacity of the piped drainage system, blockage of the piped drainage system or where no pipe drainage system exists.

Freeboard provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for a FPL, is actually provided. It is a factor of safety typically used in relation to the setting of flood levels, levee crest levels, etc. (as specified at Section K5 of the FDM). Freeboard is included in flood planning levels (although in some circumstances, zero freeboard may be appropriate).

Groundwater (extractive industries) is all waters occurring below the land surface.

Groundwater Impact Assessment (extractive industries) is a report which:

- Identifies & classifies aquifer systems
- Identifies all ground water dependent land uses & environments within catchment areas
- Assesses vulnerability of ground water
- Identifies freeboard level (to AHD) above high groundwater level capable of protecting groundwater flow patterns & water quality
- Identifies potential sources of impacts including seepage from tailing dams

- Outlines procedures for monitoring ground water flow and quality.

The site specific Groundwater Impact Assessment Report should reference the findings and recommendations of the Maroota Groundwater Study - Stage 1: Scoping Study 1996 and any subsequent reports.

Habitable floor area (flood controlled land) is:

- In a **residential situation**: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom
- in an **industrial or commercial situation** an area used for offices, retailing, storage, warehousing, factory uses or the like, or to store valuable possessions susceptible to flood damage in the event of a flood

Note: Separate considerations are specified for the car parking area of a development irrespective of the land use with which it is associated.

Hazard is a source of potential harm or a situation with a potential to cause loss.

Integrated development is development that requires development consent and at least one approval, permit, licence, authority, or consent from another government body under one or more pieces of legislation listed in section 91 of the EP&A Act.

Internal access road (extractive industries) is a carriageway specifically designed to accommodate the two (2) way movement of Haulage vehicles.

Landscape (extractive industries) is all the flora & fauna diversity (and topography), cultural significance (i.e. aesthetic, scientific, historic, social, or other special values), travel routes, and rural/residential land uses.

Landscape works (landscaping) is in relation to a development site include, but are not limited to: site preparation, earth works and grading; planting, mulching and maintenance; hard landscaping (such as decks, paved areas, water features, pergolas and retaining walls) and the installation of watering systems.

Local drainage is local stormwater systems including pits and pipes, which, when the capacity is exceeded, may lead to small scale overland flow including areas generally where depths are less than approximately 0.3m and are beyond the floodplains of original watercourses (which may now be piped, channelised or diverted). There is little risk to personal safety or property damage in these areas. This type of inundation is not referred to as 'flooding' and normal building controls are used to manage the inundation risks in these areas rather than the flood-related controls in this Plan.

Natural ground level (landscaping) is the existing ground level of a site before any improvements or other works are carried out.

Net Floor Area (NFA) is the total floor area of all buildings on a site. It does not include walls, the area of stairs, loading bays, access ways or car parking areas or any area occupied by machinery required for air conditioning, heating or power supply or lifts.

Nominated Integrated Development refers to certain types of integrated development that are subject to certain public exhibition requirements under the EP&A Act and Regulation. The EP&A Regulation defines nominated integrated development as follows:

Integrated Development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 90A of the EP&A Act) under other legislation including:

- a provision of the Heritage Act 1977 specified in section 91 (1) of the EP&A Act, or
- a provision of the Water Management Act 2000 specified in section 91 (1) of the EP&A Act, or
- a provision of the Protection of the Environment Operations Act 1997 specified in section 91 (1) of the EP&A Act.

Refer to the EP&A Act and Regulation for further information

On Site Detention (OSD) is a facility, designed to specifications nominated by Council and provided on an individual site to retard the flow of water off site so to minimise downstream flooding impacts. The requirement for an OSD system is not considered to be a “flood related development control” for the purposes of *SEPP (Exempt and Complying Development Codes) 2008*.

Outbuilding is a building which is ancillary to a principal residential building and includes sheds, garages, car ports and similar buildings.

Overburden (extractive industries) is the top layer of earth/rock that is to be removed to expose the extractive material.

Overland flowpath is an overland flowpath is surface runoff before it enters a waterway. A flowpath is usually initiated when rainfall runoff concentrates in low points, surface depressions and gullies, and ultimately overwhelms the capacity of a stormwater drainage system.

Precautionary principle (extractive industries) is instances where there are threats of serious or irreversible damage, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Probable maximum flood (PMF) is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

Probable maximum precipitation (PMP) is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year. PMP is the primary input to the estimation of the probable maximum flood.

Radio-communications facility is a base station or radio-communications link, satellite-based facility or radio-communications transmitter.

Recharge area (extractive industries) is a geographical area in which water infiltrates then percolates to reach an aquifer.

Refuge area (flood controlled land) is an onsite refuge or reliable access to ground that is located above the PMF that provides reasonable shelter for the likely occupants of development commensurate with the period of time that refuge is likely to be required in floods up to the PMF.

Rehabilitation Strategy (extractive industries) is a report which outlines:

- Site analysis used to determine conservation areas
- The implementation of the findings of Flora & Fauna monitoring program
- Means of maintaining vegetative buffer zones and rehabilitated areas
- Placement of rocks & landscape features
- Tree retention, protection and replenishment scheme
- Integration of the final landform with the landscape characteristics of the surrounding terrain
- Capacity of the final landform to achieve the objectives and performance criteria of this plan
- Details of backfilling works
- A Works Program defining a time period for the rehabilitation of each stage with the aim to restore vegetative covers at the earliest possible opportunity
- Those works that are to be carried out under the supervision of a nominated qualified person
- Reference to a Farm Management Plan for sites to be rehabilitated to agricultural land
- Compliance with all controls set out in the Rural DCP section on Extractive Industries
- Compliance with other established rehabilitation methods endorsed by relevant Public Authority including “best practice” publications.

Reliable access (flood controlled land) during a flood means the ability for people to safely evacuate an area subject to imminent flooding to a refuge area within effective warning time,

having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where water depths increase.

Residence not associated with extractive operations (extractive industries) is a dwelling-house whose occupants, whether owner/s or tenants have no direct involvement in the day-to-day operations of extractive industries.

Risk is the chance of something happening and its impact. It is measured in terms of consequences and probability (likelihood).

Sediment storage volume (extractive industries) is the holding capacity of a Sediment Control Dam.

Site Flood Emergency Response Plan (not being an SES Flood Plan) is a management plan that demonstrates the ability to safely evacuate persons and includes a strategy to move goods above the flood level within the effective warning time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.

State Significant Development is development that is identified by the NSW Government as being either of State or Regional significance, and for which the Minister for Planning's approval is required. Refer to the EP&A Act and Regulation for further information.

Suitably Qualified Civil Engineer is a civil engineer who is a Corporate Member of the Institution of Engineers, Australia, or is eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience and competence in the relevant field.

Survey plan is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Plan.

Tailings (extractive industries) are waste products from mining and processing operations, commonly in the form of fine grained sediments.

Tailing dam (extractive industries) is structural containment and storage areas for tailings. Such structures are to be structurally stable, integrate with the scenic & landscape qualities of the surrounding environment and facilitate rehabilitation after capping.

Threatened Species Development is development on land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations or ecological communities, or their habitats. Refer to the EP&A Act and Regulation for further information.

Visual sensitivity (extractive industries) is the degree of importance of a particular landscape component within a natural landscape setting and/or scene.

Water Management Strategy (extractive industries) is a report outlining a framework for the identification, classification and management of artificial and natural surface and sub-surface water cycles. This framework should incorporate details for all phases of development including:

- Site investigations used to identify and classify catchment origin, drainage patterns, water flow and water quality
- Source, quantity and quality of water required to provide a reliable supply of water to the operations
- Procedures for minimising importation of water
- Procedures for maximising re-use and recycle of collected waters particularly during extreme climatic condition
- Procedures capable of maintaining natural surface water flow and quality conditions along downstream boundary alignments
- Destination points for collected waters are retained within the extraction site
- The design, location and likely impact of any temporary diversion of drainage patterns within the extraction site
- Procedures for ensuring that contaminated waters are contained on-site during the 1% AEP
- Risks, safeguards and contingency plans for extreme climatic conditions or operational

- hazards including breach or contamination
- Procedures for monitoring groundwater flow, quality and recharge areas within catchments having regard to the recommendations of the Groundwater Impact Assessment Report.

Watertable (extractive industries) is the surface of the saturated zone in an unconfined aquifer.

Wet weather high groundwater level is a term used to represent the groundwater level at a time of the year when most of the rain in a region falls.

8. Important Dates & Document Specifications

- Adoption date: 12 March 2013
- Date in force: 26 March 2013

9. List of Amendments

This Development Control Plan has been amended as follows:

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
PBS2 - Residential Map Sheet 13 of 46	Controls to guide development outcomes on the site and removal of Restricted Development Area	64 Mackillop Drive, Baulkham Hills (Lot 2 DP 817696)	28/05/2013 (284)	11/06/2013	FP204
PDS10 - Baulkham Hills Town Centre	Controls to guide development within the Windsor Road Precinct of the Baulkham Hills Town Centre	404-416 Windsor Road, 2-6 Rembrandt Drive, 1-7 Meryll Avenue and 2 Meryll Avenue, Baulkham Hills (Lot 1 DP 564845, Lot 6 DP 654751, Lots 101 – 104 DP 1000120, Lot 1 DP 164096)	27/11/2012 (634)	02/08/2013	3/2012/PLP
PDS6 - Rouse Hill Regional Centre	Amendments to residential controls	Rouse Hill Regional Centre - Residential Precincts	10/12/2013 (730)	07/01/2014	FP28
PDS15 - Crane Road Precinct	Amendments to various controls to reflect revised development outcomes for the site	299-309 Old Northern Road, Castle Hill (Lot 23 DP 785110, Lot 1 DP 701677, Lot A DP 151502, Lot 18 DP 821398 and Lot 19 DP 821398) and adjoining road reserve	10/09/2013 (528)	21/02/2014	9/2013/PLP
PDS7 - Balmoral Road Release Area	Controls to guide development outcomes at the site	2, 2A, 2B and 12 Memorial Avenue, Kellyville (Lots 7 and 8 DP 1128575, part of Lot 214 DP 1123224 and Lot 2 DP 1131540 and Lot 2 DP 1087781)	24/09/2013 (548)	07/03/2014	7/2013/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
PCS6 - Flood Controlled Land (new) PA - Introduction PBS1 - Rural PBS2 - Residential PBS3 - Dual Occupancy PBS4 - Multi Dwelling Housing PBS5 - Residential Flat Buildings PBS6 - Business PBS7 - Industrial PCS5 - Telecommunications Facilities PDS1 - 27-33 North Rocks Road PDS2 - Pennant Street Target Site PDS3 - 257 Windsor Rd Baulkham Hills PDS5 - Kellyville/Rouse Hill PDS7 - Balmoral Road PDS8 - Norwest Residential PDS9 - Windsor Rd Northmead Target Site PDS10 - Baulkham Hills Town Centre PDS12 - Carlingford Precinct PDS13 - 354-368 Old Northern Rd Castle Hill PDS14 - Target Site Corner Windsor Rd and Seven Hills Rd PDS15 - Crane Rd Precinct	New flood controls, definitions for flood-related terms, DA requirements for flood control lots and removal of duplication of controls from various sections of the DCP	N/A	11/03/2014 (112)	25/03/2014	FP214

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
PBS7 - Industrial PCS1 - Parking	Site specific controls for development within the Edwards Road Precinct	278 to 290-312 Annangrove Road, Rouse Hill (Lot 2 DP 879450, Lot 2 DP 1032790, Lot 10 DP 563695, Lot 2 DP 838278, Lot 3 DP 222080, Lot 26 DP 834050 & Lot 12 DP 835727), 20 & 31 Edwards Road, Rouse Hill (Lot 2 DP 222080 & Lot 2 DP 225401), Lot 1 Edwards Road, Rouse Hill (Lot 1 DP 133473) and 314 to 332-334 Annangrove Road, Rouse Hill (Lots 27-30 DP 834050, Lots 32-34 DP 834050, Lots 12 & 13 DP 833069 and SP 78246)	08/10/2013 (591)	04/07/2014	11/2013/PLP
PBS6 - Business	Controls to guide development outcomes at the site	488-494 Old Northern Road, Dural (Lot 2 DP 839151)	13/05/2014 (219)	11/07/2014	1/2013/PLP
PBS5 - Residential Flat Buildings PDS6 - Rouse Hill Regional Centre PDS8 - Norwest Residential Precinct PDS12 - Carlingford Precinct PDS14 - Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills	New apartment mix and size controls for residential flat buildings and deletion of redundant controls within various sections of the DCP	N/A	09/09/2014 (537)	23/09/2014	FP196
PDS16 - 301 Samantha Riley Drive, Kellyville (new)	Controls to guide development outcomes at the site	301 Samantha Riley Drive, Kellyville (Lots 101 & 103, DP 1122070)	29/04/2014	03/10/2014	2/2012/PLP/A
PDS9 - Target Site 23-25 North Rocks Road, North Rocks	Amendments to facilitate the amalgamation of 23 and 25 North Rocks Road and associated changes to building height and landscaping	23-25 North Rocks Road, North Rocks (Lot 3 DP 1158967 & Lot 100 DP 1128357)	23/09/2014 (566)	07/10/2014	FP72
PBS6 - Business	New controls to manage the development and operation of landscape material supplies and/or garden centre uses	1-15 Millcroft Way, RMB 104, 104A And 105 Windsor Road, 1-3, 5 And 7 Wilkins Avenue, Beaumont Hills	12/08/2014 (453)	10/10/2014	4/2014/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
PDS1 - 27-33 North Rocks Road, North Rocks	Controls to facilitate high density residential development at the site	27-33 North Rocks Road, North Rocks (Lot 2 DP 1158967, Lot 101 DP 617754, Lot 2 DP 721567, Lot 3 DP 22931, Lot 1 DP 127003 & Lot 2 DP 22931)	28/10/2014 (645)	11/11/2014	5/2012/PLP
All Sections	Various amendments relating to footpaths, verge widths and street tree species for residential development, private tree management provisions, waste management for multi-unit and mixed use developments and other minor typographic/formatting amendments	N/A	25/11/2014 (712)	09/12/2014	FP171
PDS17 - Box Hill North	Controls to guide development of the Box Hill North Precinct	Box Hill North Precinct	10/02/2015 (39)	03/03/2015	1/2014/PLP
PBS7 - Industrial	Controls to guide development outcomes at the site	912-914 Old Northern Road, Glenorie	12/05/2015 (218)	28/07/2015	2/2015/PLP
PCS1 - Parking	Revised parking controls	Castle Hill Main Street	28/07/2015 (369)	11/08/2015	FP173
PCS6 - Business	Insertion of site specific controls	11-13 Solent Circuit, Baulkham Hills	09/12/2014 (753)	01/12/2015	17/2013/PLP
PDS5 - Kellyville/Rouse Hill Release Area	Amend cycleway route and remove open space notation	5 Jackson Place, Kellyville	09/06/2015 (282)	08/04/2016	9/2015/PLP
PDS7 - Balmoral Road Release Area	Controls to guide development outcomes at the site	Lot 101 DP 1176747 and Lots 32 and 33 DP 247442, known as RMB 47 Spurway Drive, Baulkham Hills, 30 Fairway Drive, Kellyville and Lot 33 DP 247442	28/07/2015 (367)	29/04/2016	10/2013/PLP
PA - Introduction	Revised requirements for advertising and notification of development applications and administrative/formatting amendments	N/A	26/04/2016 (193)	24/05/2016	FP179

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part B Section 1 - Rural	Reduced and simplified controls including additional flexibility for rural sheds, secondary dwellings and rural cluster subdivision	N/A	26/04/2016 (193)	24/05/2016	FP179
Part B Section 2 - Residential	Controls to guide development outcomes at the site including pedestrian links, carriageway widths and visitor parking requirements. Amendment included an amendment to Map Sheet 20.	39-55 Oratava Avenue and Part of 570 Pennant Hills Road	26/07/2016 (366)	21/10/2016	18/2015/PLP
Part D Section 17- Box Hill North	A new control which seeks to ensure that a 15 metre separation distance is provided between a future water recycling facility and surrounding residential development.	153 Boundary Road, Box Hill (part Lot 10 DP593517)	13/09/2016 (478)	09/12/2016	3/2016/PLP
Part B Section 1 - Rural	New controls relating to agricultural produce industries, animal boarding or training establishments, veterinary hospitals, community facilities, recreation facilities, place of public worship, garden centres and plant nurseries, intensive plant agriculture and landscaping material supplies.	N/A	13/12/2016 (695)	12/01/2017	FP152
Part D Section 7 – Balmoral Road Release Area	New controls relating to site layout, built form, building heights, density, common open space, building layout and design.	6 McCausland Place, Kellyville	09/05/2017 (188)	15/09/2017	4/2016/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part D Section 5 – Kellyville/ Rouse Hill Release Area	New controls such as building heights, setbacks and common open space requirements. The controls seek to ensure future built form responds to, and integrates with, surrounding land uses and minimises amenity impacts on adjacent residential development.	Lot 5 Commercial Road, Rouse Hill	25/07/2017 (367)	24/11/2017	2/2016/PLP
Part B Section 2 – Residential	New controls to guide a seniors housing development on the site	434 Old Northern Road, 2 and 2A Fullers Road, Glenhaven	24/10/2017 (548)	22/12/17	4/2017/PLP
Part B Section 2 – Residential	New controls relating to site planning, traffic and access, building heights, setbacks, privacy, open space and density to guide a seniors living development and associated services	522 Windsor Road, Baulkham Hills	10/10/2017 (502)	19/01/18	17/2016/PLP
Part B Section 5 – Residential Flat Building	Clarifies provisions for shop top housing.	N/A	13/12/2016 (692)	16/03/2018	11/2016/PLP
Part C Section 1 - Parking	New controls for shop top housing.	N/A	13/12/2016 (692)	16/03/2018	11/2016/PLP
Part B Section 8 – Shop Top Housing and Mixed Use Developments	New controls to guide shop top housing and mixed use developments.	N/A	13/12/2016 (692)	16/03/2018	11/2016/PLP
Part B Section 6 – Business	New controls relating to vehicular access, key principles, setbacks and landscaping.	488-494 Old Northern Road, Dural	08/08/2017 (402)	23/03/2018	1/2016/PLP
Part B Section 1 - Rural	New controls to guide residential development within the Riverside Oaks Tourist Complex	74 O'Briens Road, Cattai	25/10/2016 (572)	04/05/2018	16/2013/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part B Section 6 – Business	Amendment to controls relating to child care centres. Removal of controls now covered by SEPP.	N/A	22/05/2018 (222)	05/06/2018	FP171
Part D Section 19 – Showground Precinct	New site specific section inserted in the DCP to regulate future residential and employment development within the Showground Station Precinct.	Showground Station Precinct	28/08/2018 (489)	11/09/2018	FP223
Part B Section 2 – Residential	New controls relating to site planning, vegetation, heritage, access, transport and geotechnical site stability to guide an environmentally integrated housing development	370 Old Northern Road, Castle Hill	14/11/2017 (585)	7/12/2018	8/2016/PLP
Part D Section 18 – 582 and 582A Old Northern Road, Dural	New controls relating to site planning, vegetation, vehicular access, site contamination, water quality and density	582 and 582A Old Northern Road, Dural	11/09/0218 (526)	21/12/2018	7/2015/PLP
Part B Section 3 – Dual Occupancy Part B Section 4 – Multi Dwelling Housing Part B Section 5 – Residential Flat Buildings Part B Section 6 – Business Part B Section 7 – Industrial	New controls relating to access and mobility. The controls respond to the requirements of The Hills Disability Inclusion Action Plan.	N/A	30/04/2019 (158)	21/05/2019	FP230

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part C Section 3 – Landscaping	Additional objective to recognise the right of a property owner to be able to manage vegetation on their land. Additional 7 species exempt from the application process. Exemption for trees that are within 3 metres of an existing approved dwelling or ancillary structure amended to 5 metres. References to legislation updated. New controls added for landscaping and drainage requirements.	N/A	22/10/2019 (567)	05/11/2019	ET101
Part D Section 17 – Box Hill North	Amendments to objectives and controls applying to the Box Hill North Town Centre to reflect changes to maximum Floor Space Ratio and Height of Building standards. The amendments also introduce controls and update the Indicative Layout Plan to facilitate a proposed new school.	Lot 1 and Lot 2, DP 1237552	10/09/2019 (460)	24/01/2020	2/2019/PLP
Part D Section 24 - 6-12, 12A & 16-20 Garthowen Crescent Castle Hill	Introduce controls to guide development outcomes on the site.	6-12, 12A & 16-20 Garthowen Crescent, Castle Hill	10 December 2019 (687)	18/06/2020	24/2016/PLP
Part B Section 9 – Small Lot Housing Part B Section 10 – Medium Density Residential (Terraces)	Introduction of two new sections associated with the planning proposal to amend Clause 4.1B 'Exceptions to minimum lot sizes for certain residential development'. Controls relate to site planning, building design and parking and access.	All land zoned R3 Medium Density Residential and R4 High Density Residential under LEP 2019 (excludes North West Growth Centres of North Kellyville and Box Hill)	26/05/2020 (251)	19/06/2020	13/2018/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part B Section 11 – Manor House Part C Section 1 – Parking	New section for Manor House controls and new control for manor house in parking DCP	N/A	25/06/2019 (281)	01/07/2020	4/2019/PLP
Part D Section 8 – Norwest Town Centre Residential Development	New site specific controls to guide development outcomes on the site	40 Solent Circuit, Norwest	10/12/2019 (688)	17/07/2020	5/2015/PLP
Part D Section 20 – Castle Hill North	New controls to regulate built form and ensure high quality development outcomes that reflect the intended character for the Precinct.	Land known as the Castle Hill North Precinct	27/11/2018 (705)	17/07/2020	16/2016/PLP
Part C Section 1 – Parking	New parking controls for commercial and residential developments	Land known as the Castle Hill North Precinct	27/11/2018 (705)	17/07/2020	16/2016/PLP
Part D Section 21 – 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill	New site specific section to introduce controls to guide development outcomes on the site.	93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill	25/09/2018 (551)	17/07/2020	12/2016/PLP
Part C Section 1 – Parking	Amended parking controls for the Castle Hill North Precinct to reflect Planning Proposal 16/2016/PLP gazetted by the Department of Planning, Industry and Environment on 17/07/2020	Land known as the Castle Hill North Precinct	24/11/2020 (664)	30/11/2020	16/2016/PLP
Part D Section 20 – Castle Hill North	Amended controls to reflect Planning Proposal 16/2016/PLP gazetted by the Department of Planning, Industry and Environment on 17/07/2020. Consolidation of Part D Section 24 relating to land at 6-12 and 16-20 Garthowen Crescent, Castle Hill.	Land known as the Castle Hill North Precinct	24/11/2020 (664)	18/12/2020	16/2016/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part D Section 24 – 6-12 and 16-20 Garthowen Crescent, Castle Hill	Repeal of Section (and consolidation of controls into Part D Section 20 – Castle Hill North).	6-12 and 16-20 Garthowen Crescent, Castle Hill	24/11/2020 (664)	18/12/2020	16/2016/PLP & 24/2016/PLP
Part A Introduction	Additional section to clarify that the construction and dedication of local roads shall be undertaken by the developer at no cost to Council.	N/A	08/06/2021 (282)	06/07/2021	FP171
Part B Section 6 Business Part C Section 1 Parking Part D Section 22 Circa Commercial Precinct	Remove redundant clauses in Part B Section 6, include new parking rate for Circa Precinct in Part C Section 1 and introduce site specific section Part D Section 22.	Norbrik Drive and Elizabeth Macarthur Drive, Bella Vista	13/07/2021 (352)	12/11/2021	19/2015/PLP
Part D Section 23 – Norwest Station Site	New site specific section to introduce controls to guide development outcomes on the site.	25-31 Brookhollow Avenue, Norwest	12/10/2021 (535)	22/12/2021	6/2019/PLP

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part C Section 1 Parking	Introduce new parking rate for commercial office development on the site.	2-4 Burbank Place, Norwest	27/07/2021 (384)	4/03/2022	18/2018/PLP
Part B Section 2 – Residential	Remove site specific controls relating to the old master plan at 64 Mackillop Drive, Baulkham Hills	64 Mackillop Drive, Baulkham Hills	08/03/2022 (97)	6/05/2022	5/2018/PLP
Part D Section 24 – Mackillop Drive, Norwest	New site specific section to introduce controls to guide development outcomes on the site.	Lots 214-218 Mackillop Drive, Norwest and 34 Salamander Grove, Baulkham Hills	08/03/2022 (97)	6/05/2022	5/2018/PLP
Part C Section 1 Parking	Introduce new parking rate for commercial office development on the site.	21-23 Lexington Drive, Bella Vista	26/07/2022 (341)	9/12/2022	1/2019/PLP
Part D Section 25 – 14-16 Brookhollow Avenue, Norwest	New site specific section to introduce controls to guide development outcomes on the site.	14-16 Brookhollow Avenue, Norwest	11/10/2022 (476)	3/02/2023	2/2021/PLP
Part D Section 26 – Bella Vista and Kellyville Station Precincts	New section to regulate future built form and ensure high quality development outcomes that reflect the intended character for both Precincts as highly livable transit centres.	N/A	21/03/2023 (94)	3/04/2023	FP215
Part D Section 7 – Balmoral Road Release Area	Change DCP to reflect rezoning implemented by the State Government in 2017. Provide suitable development controls to guide future development applications on the small areas of land within the Precinct which are not subject to the SSDA.	N/A	21/03/2023 (94)	3/04/2023	FP215

Part & Section	Description of Amendment	Address of Land (if applicable)	Adoption Date & Minute No.	In Force Date	File Reference
Part B Section 2 – Residential Map Sheet 28 – Castle Hill	Remove 30-32 Telfer Road, Castle Hill from the mapped 30% site coverage requirement (that currently applies to certain C4 Environmental Living zoned land).	30-32 Telfer Road, Castle Hill	18/04/2023 (142)	11/08/2023	2/2022/PLP

