



Hawkesbury City Council

Attachment 1
to
item 280

Draft A of HDCP 2002, Draft Part B of HDCP
2002, Draft Part C Chapter 9 Preservation of
Trees and Vegetation, Draft Part E Chapter
7 Windsor District Baptist Church Site.

date of meeting: 13 December 2011
location: council chambers
time: 6:30 p.m.

PART A

INTRODUCTION

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Chapter 1

GENERAL INFORMATION

1.1 NAME OF THIS PLAN

This Development Control Plan (DCP) is entitled Hawkesbury Development Control Plan 2002.

1.2 LEGISLATIVE BACKGROUND

This DCP has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

This DCP complements the statutory provisions contained in Hawkesbury Local Environmental Plan 2011 (LEP 2011). This DCP repeals any previous DCP of Hawkesbury City Council.

1.3 LAND TO WHICH THIS PLAN APPLIES

This DCP applies to all land within the Hawkesbury Local Government Area (LGA) to which LEP 2011 applies.

Deleted: This DCP applies to all land within the Hawkesbury Local Government Area (LGA).¶ This DCP applies to all land to which LEP 2011 applies.¶

1.4 OBJECTIVES OF THIS PLAN

The objectives of this DCP are:

- a) To provide a comprehensive document that contains detailed development controls for development which meets community expectations and addresses the key environmental planning issues of the Hawkesbury LGA;
- b) To promote economically, socially and environmentally sustainable development within the City of Hawkesbury;
- c) To enable an aesthetically pleasing and functional development that sympathetically relates to adjoining and nearby development;
- d) To maintain and enhance the environmental and cultural heritage of the Hawkesbury LGA;
- e) To involve the local community in the planning process by ensuring openness, accountability and transparency in the decision-making process;
- f) To set out clear processes, procedures and requirements to facilitate an integrated and consistent framework for dealing with development assessment;
- g) To ensure that development will respond to its context and not detrimentally affect the surrounding development ; and
- h) To promote the Ecologically Sustainable Development (ESD) principles including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of recycled materials.

1.5 RELATIONSHIP WITH OTHER PLANS AND POLICIES

LEP 2011 provides the legal framework for development within Hawkesbury. This DCP supplements the controls in the LEP and establishes the standards, information requirements, aims, objectives and rules under which all development is to be assessed. Should there be any inconsistency between the provisions in this DCP and the provisions in LEP 2011, LEP 2011 shall prevail.

This DCP should be read in conjunction with any other relevant Acts, State Environmental Planning Policies (SEPPs), codes/guidelines.

1.6 ADOPTION DATES

Each chapter of this DCP has been adopted by Council on the following dates:

Chapter	Adoption Date	Effective Date
Part A: Introduction	<i>INSERT DATE</i>	<i>INSERT DATE</i>
Part B: Exempt and Complying Development	<i>INSERT DATE</i>	<i>INSERT DATE</i>
Part C: General Guidelines	12 March 2002	7 August 2002
1. Landscaping	12 March 2002	7 August 2002
2. Parking and Access	12 March 2002	7 August 2002
3. Signs	12 March 2002	7 August 2002
4. Erosion and Sedimentation Control	12 March 2002	7 August 2002
5. Bushfire Prone Land	12 March 2002	7 August 2002
6. Energy Efficiency	12 March 2002	7 August 2002
7. Effluent Disposal	11 May 2004	2 June 2004
8. Management of Construction & Demolition Waste	30 August 2005	14 September 2005
9. Preservation of Trees and Vegetation	<i>INSERT DATE</i>	<i>INSERT DATE</i>
Part D: Specific Development	12 March 2002	7 August 2002
1. Residential	12 March 2002	7 August 2002
2. Industrial	12 March 2002	7 August 2002
3. Subdivision	12 March 2002	7 August 2002
4. Brothels	12 March 2002	7 August 2002
5. Telecommunications	12 March 2002	7 August 2002
6. Dam Construction	12 March 2002	7 August 2002
7. Landfill	12 March 2002	7 August 2002
8. Erection of Rural Sheds	12 March 2002	7 August 2002
Part E: Specific Areas	12 March 2002	7 August 2002
1. Kurrajong Heights	12 March 2002	7 August 2002
2. Macdonald Valley	12 March 2002	7 August 2002
3. Grose Wold	12 March 2002	7 August 2002
4. Pitt Town	3 February 2009	19 February 2009

Chapter	Adoption Date	Effective Date
5. Macquarie & Bridge Street, Windsor	13 December 2005	11 January 2006
6. Bligh Park Neighbourhood Business Precinct	10 October 2006	7 November 2006
7. Windsor District Baptist Church Site, 739 – 741 George Street, South Windsor	INSERT DATE	INSERT DATE
Appendices	12 March 2002	7 August 2002
A. Dictionary	12 March 2002	7 August 2002
B. Lodging a Development Application	12 March 2002	7 August 2002
C. Development Application Fees	12 March 2002	7 August 2002
D. Landscaping Species	12 March 2002	7 August 2002
E. Engineering Specifications	12 March 2002	7 August 2002
Part 1 Design Specifications	12 March 2002	7 August 2002
Part 2 Construction Specifications	12 March 2002	7 August 2002
Part 3 Drawings	12 March 2002	7 August 2002

1.6 HOW TO USE THIS DCP

To use this DCP there are a number of key steps to consider. They are outlined in table below.

<p>Step 1</p> <p>Does this DCP apply?</p>	<p>Is the proposed development permitted with consent under LEP 2011? If yes, then this DCP applies.</p> <p>Note: This DCP does not apply to a development that is classified as:</p> <ul style="list-style-type: none"> - exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) or Schedule 2 of the LEP or; - complying development under the Codes SEPP or Schedule 3 of the LEP <p>See Codes SEPP and the LEP for details. A copy of the Codes SEPP is available at the following website www.legislation.nsw.gov.au.</p>
<p>Step 2</p> <p>What does a DA need to address?</p>	<p>To understand what needs to be addressed when preparing a Development Application (DA), refer to Council's "Guidelines for Submitting Applications" and Appendix 2 of this DCP. When preparing a DA, consult with Council's Customer Service <u>Unit</u>.</p>
<p>Step 3</p> <p>Consider the general controls that apply.</p>	<p>For all development (other than Exempt or Complying Development), there are general controls that might apply, including controls relating to landscaping, car parking, signs, soil erosion, and effluent disposal. See Part C of this DCP for details.</p>

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<p>Step 4</p> <p>Are there any additional controls that apply?</p>	<p>Additional controls apply to residential development, industrial development, subdivision, erection of rural sheds, telecommunications, dams and land filling. See relevant sections of Part D of this DCP.</p>
<p>Step 5</p> <p>Is the site located in a special area?</p>	<p>If the site is within Kurrajong Heights Village; the MacDonald Valley; Grose Wold; Pitt Town; Macquarie and Bridge Streets, Windsor; Bligh Park Neighbourhood Precinct; or 739 - 741 George Street, South Windsor, site specific controls specified in Part E of the DCP might apply in addition to controls specified in Parts C and D of the DCP.</p>
<p>Step 6</p> <p>Any additional requirements?</p>	<p>If the development involves any engineering works, refer to Appendix E of this DCP for relevant engineering specifications.</p>

1.7 VARIATIONS TO THE DCP

This DCP contains Aims, Objectives and Rules to achieve satisfactory development outcomes. A proposed departure from the development controls contained in this DCP will only be considered where written justification is provided for such departure which demonstrates:

- why the controls are unreasonable or unnecessary in the circumstances;
- how the development will achieve the aims and objectives of the DCP and the zone of the subject land contained in LEP 2011 despite the proposed departure; and
- what innovative and improved outcomes will be achieved by the development to justify the departure.

1.8 TRANSITION PROVISIONS IN RELATION TO HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989 AND HAWKESBURY LOCAL ENVIRONMENTAL PLAN 2011

On *INSERT DATE* LEP 2011 commenced and Hawkesbury Local Environmental Plan 1989 (HLEP 1989) was repealed. As a result of this, certain immediate amendments were required to be made to the DCP to ensure consistency with the LEP 2011. Accordingly, Part A and Part B were amended and Part C Chapter 9 Preservation of Trees and Vegetation and Part E Chapter 7. Windsor ~~District~~ Baptist Church Site, 739 - 741 George Street, South Windsor were added to the DCP. Pending further amendments to other parts of the DCP the following transitional provisions are to apply:

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- any reference to HLEP 1989, however described, is deemed to be a reference to LEP 2011;
- any reference to any zone of HLEP 1989, however described, is deemed to be the equivalent zone of LEP 2011, as determined by Council; and,

- any reference to a land use of HLEP 1989, however described, is deemed to be the equivalent land use of LEP 2011, as determined by Council.

Chapter 2

TYPES OF DEVELOPMENT AND THE DEVELOPMENT APPLICATION PROCESS

2.1 TYPES OF DEVELOPMENT

Within the Hawkesbury LGA, LEP 2011 is the main planning instrument which identifies development that:

- can be carried out without Council's consent;
- can be carried out only with Council's consent; and,
- is prohibited.

Different types of development are also identified in the NSW Planning legislation. Various types of development are discussed briefly below:

2.1.1 Development Without Consent

Exempt Development

This type of development is considered to be of minimal environmental impact. Under Section 76 of the Act, Exempt Development may be carried out without the consent of Council (see Chapter 1, Part B of the DCP for more details).

2.1.2 Development With Consent

(a) Complying Development

Under Section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate either by Council or an Accredited Certifier (see Chapter 2, Part B of the DCP for more details).

(b) Local Development

The majority of proposals are Local Development and require the lodgement of a DA with Council.

(c) Designated Development

"Designated development" is defined in Schedule 3 of the Regulation. This schedule lists types of developments that require a more rigorous environmental impact assessment. These applications require the preparation of an Environmental Impact Statement (EIS) which must be undertaken in accordance with the requirements of the Director – General of the NSW Department of Planning and Infrastructure.

Note: The EIS is a more detailed assessment of the potential impacts of the development and of measures to minimise these impacts. When preparing an EIS it is strongly recommended that you use the services of a suitably qualified consultant. You should carefully research the consultant's capacity for and experience in preparing such documentation and if necessary ask to see examples of their work.

(d) Integrated Development

“Integrated development” is defined by Section 91 of the Act and is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Mine Subsidence Compensation Act 1961*
- *Mining Act 1992*
- *National Parks & Wildlife Act 1974*
- *Petroleum (Onshore) Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

Note: The above list may be subject to future review and therefore it is always necessary to check the current version of the Act

With integrated development, there is an integrated assessment of the proposal with both Council and the relevant approval body assessing the DA. If an approval body provides the Council with “general terms of approval” these must be included in any consent issued by Council, if Council intends to approve the DA. If the approval body refuses to provide “general terms of approval”, then Council must refuse the DA.

(f) Regional Development

Regional development is development which is notified and assessed by a local council and then determined by the relevant joint regional planning panel (regional panel). Regional development is defined in Schedule 4A of the Act. Regional development includes:

- development with a capital investment value (CIV) over \$20 million,
- development with a CIV over \$5 million which is council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities or eco-tourist facilities,
- extractive industries, waste facilities and marinas that are designated development,
- certain coastal subdivisions,
- development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days, and
- Crown DAs (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

Note: It should be noted that development that meets the specific capital investment value (CIV) or other criteria to be State significant development is excluded as being regional development. For example, manufacturing industries, hospitals and education establishments with a CIV over \$30 million are considered State significant. Other exclusions apply.

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(g) State Significant Development (SSD)

State Significant Development (SSD) is development that is declared under section 89C of the Act. *State Environmental Planning Policy (State and Regional Development) 2011* specifies a range of developments including certain agricultural produce industries, education establishments, intensive livestock agriculture, hospitals, manufacturing industries, medical facilities, tourist facilities, warehousing, waste and resource management facilities energy, tourist, education and hospital facilities as SSD. In addition the Minister for Planning and Infrastructure may also declare development to be SSD by an order. These developments are assessed by the DP&I in consultation with relevant councils, NSW Government agencies and the community.

A full list of SSD development types and specified sites can be found in Schedules 1 and 2 of the State and Regional Development SEPP.

Deleted: (f) Major Development (Major Projects)¶
Major Projects are identified either in Schedule 1 of the State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) or an order by the Minister for Planning published in the NSW Government Gazette. These developments are assessed under Part 3A of the Act.¶

2.1.2 Prohibited Development

The Land Use Table in Part 2 of LEP 2011 lists the types of development that are prohibited in each zone. In addition, relevant SEPP should be considered for any provisions which may prohibit development on the site.

2.2 THE DEVELOPMENT ASSESSMENT PROCESS

2.2.1 Pre-Development Application Consultation

Pre-DA consultation is considered to be an important aspect of the DA process. It provides the opportunity for Council staff to advise applicants about the permissibility of a proposal, relevant sections of this DCP that apply to the development, any inherent site constraints which are known to Council, issues that need to be addressed, and the information needed to be included in the DA. This will ensure that all relevant issues are addressed, sufficient information is provided, and minimise time delays and expenses.

Prospective applicants are advised to contact Council's Customer Service ~~Unit~~ on (02) 4560 4444 to discuss their proposals prior to preparing and submitting applications. Where large and complex developments are proposed such as residential flat developments, multi-dwellings, mixed-use developments, large commercial/business premises, industrial developments and retail complexes, applicants are encouraged to prepare preliminary concept plans prior to organising a pre-DA meeting with Council.

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2.2.2 Development Application Requirements

DA requirements are included in Council's 'Guidelines for Submitting Applications'. A copy of the Guidelines can be obtained from Council's Customer Service ~~Unit~~ or on Council's website.

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Applicants are encouraged to use the services of a professional town planner, and other related experts, to assist in the preparation of Statement of Environmental Effects (SEE) for major or more complex development proposals (see Planning Institute of Australia NSW Division for a list of consultant town planners).

2.2.3 Lodgement of a Development Application

The lodgement of a DA is required for any proposed development where LEP 2011 or any other environmental planning instrument specifies that a proposed development may only be carried out with development consent. A DA may be made by the owner of the land to which the DA relates or by any other person, with the consent in writing of the owner of that land.

Note: Where a public authority prepares a DA, the consent in writing of the owner of the land is not required, if the authority forwards a copy of the application to the owner prior to the making of that application.

2.2.4 Development Assessment

In assessing an application, Council will take into consideration the matters specified in Section 79(c) of the Environmental Planning & Assessment Act, 1979 and as are of relevance to the proposed development. The diagram in Section 2.2.9 depicts the assessment process.

Deleted: Council will undertake a site inspection as part of the assessment process to assess the impact of the proposed development. All submissions received will also be considered.¶

2.2.5 Additional Information

Council may request the applicant to provide additional information on the proposed development to enable a proper assessment of the proposal. For example, where a DA is unclear or illegible, or is not accompanied by the appropriate fee, if any relevant integrated approvals have not been identified in the application, or if the DA is not accompanied by a Species Impact Statement where one is required, the DA may be returned to the applicant. In addition, Council may “stop the clock” and request additional information. This means that the time for Council assessing the development is extended. The assessment clock is not restarted again until Council is satisfied that there is sufficient information to appropriately assess the DA.

2.2.6 Notice of Council Meeting

Where a DA is referred to a Council meeting for determination, persons who made submissions and the applicant will be advised in writing of the date of the relevant Council meeting. If the DA is to be determined by the Joint Regional Planning Panel (JRPP), persons who made submissions and the applicant will be advised in writing of the date of the relevant JRPP meeting.

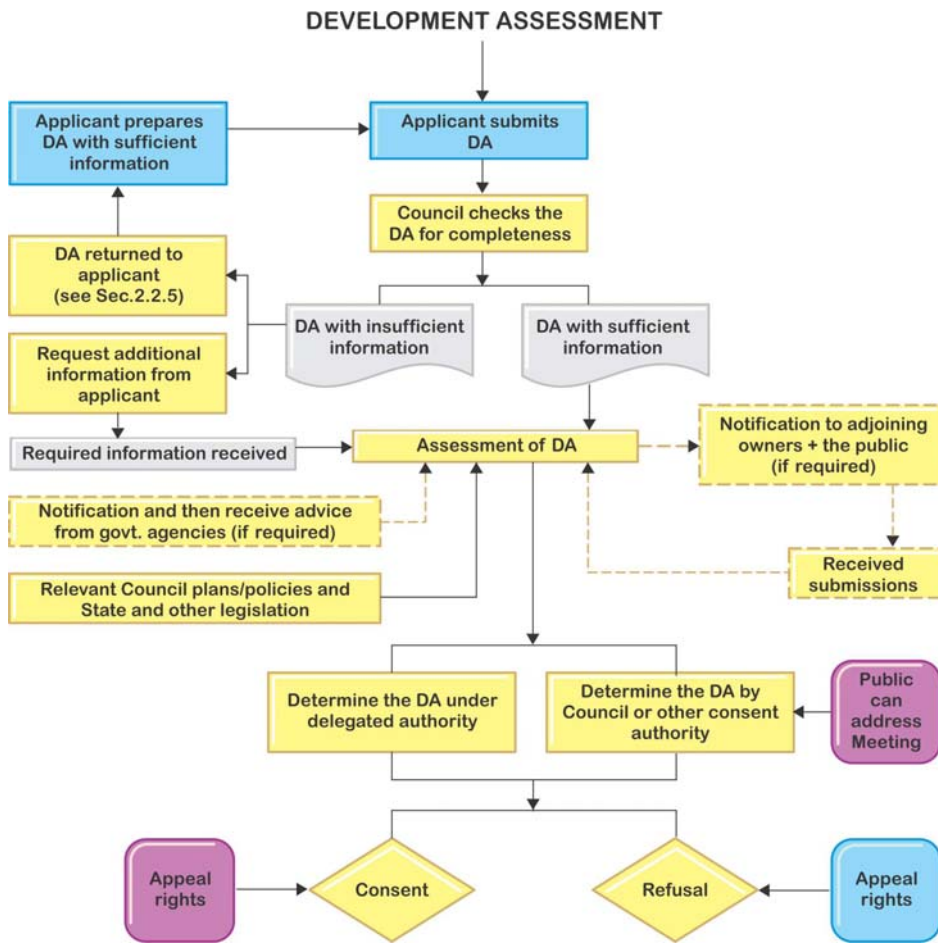
2.2.7 Notification of Determination

Following determination of a DA (including an application for the modification of the development consent) the applicant and all persons who made submissions will be advised in writing of Council’s determination of the application.

2.2.8 Review of Determination

In the event of an application being refused by Council or where the applicant is dissatisfied with any condition of consent, the applicant may request Council to review the determination under Section 82A of the Act.

2.2.9 Development Assessment Process



Chapter 3

NOTIFICATION OF DEVELOPMENT APPLICATIONS

3.1 INTRODUCTION

This chapter outlines notification requirements for the public exhibition of DAs.

3.2 NOTIFICATION OF DEVELOPMENT?

This section identifies the types of the development that will be notified and the types of development that does not require notification.

3.2.1 What Development Will Be Notified?

The following table identifies types of development that will be notified and the form of notification unless the General Manager, or delegated staff, consider that the circumstances of the application are such that notification is not necessary or a use that is not listed in the matrix is believed to require notification in the public interest.

Notification Table

Land Use / Development Type	Letters to Adjoining Occupiers/Owners	Site Sign	Notice in Local Newspaper
agriculture			
animal boarding or training establishments	✓	▲	X
aquaculture	✓	▲	X
extensive agriculture	✓	▲	X
farm buildings (within 10m of a boundary)	✓	X	X
forestry	✓	✓	▲
intensive plant agriculture	✓	▲	X
intensive livestock agriculture	✓	▲	X
residential accommodation			
attached dwellings	✓	X	X
boarding houses	✓	✓	X
dual occupancies	✓	X	X
Dwelling houses (two storey) including alterations and additions to existing two storey dwelling houses within residential zones.	✓	X	X
Dwelling houses (two storey) including alterations and additions to existing two storey dwelling houses within 10m of a boundary within a rural or environmental protection zone.	✓	X	X
group homes	✓	✓	X
hostels	✓	✓	X

residential accommodation			
multi dwelling housing	✓	✓	X
residential flat buildings	✓	✓	X
rural worker's dwellings	✓	X	X
secondary dwellings	✓	X	X
semi-detached dwellings	✓	X	X
seniors housing	✓	✓	X
shop top housing	✓	✓	X
home-based child care	✓	X	X
home business	✓	X	X
home occupation (sex services)	✓	✓	X
tourist and visitor accommodation			
backpackers' accommodation	✓	✓	X
caravan parks including camping grounds	✓	✓	X
bed & breakfast accommodation	✓	X	X
farm stay accommodation	✓	X	X
hotel or motel accommodation	✓	✓	X
serviced apartments	✓	✓	X
commercial premises			
amusement centres	?	X	X
bulky goods premises	?	X	X
cellar door premises	?	X	X
function centres	✓	?	X
funeral homes	✓	?	X
garden centres	✓	?	X
industrial retail outlets	?	X	X
kiosks	?	X	X
landscaping and material supplies	✓	?	X
markets	✓	?	X
neighbourhood shops	?	X	X
office premises > 5000m2 GFA	✓	✓	X
entertainment facilities	✓	?	X
plant nurseries	✓	?	X
pubs	✓	✓	✓
retail premises > 5000m2 GFA	✓	✓	X
registered clubs	✓	✓	✓
restaurants or cafes	?	X	X
restricted premises	?	X	X
roadside stalls	?	X	X
rural supplies	✓	?	X
service stations	✓	✓	X
shops	?	X	X
take-away food & drink premises	?	X	X
hardware and building supplies	✓	?	X
sex services premises	✓	✓	?
timber yards	✓	?	X
vehicle sales or hire premises	✓	?	X
veterinary hospitals	✓	?	X
wholesale supplies	?	X	X
rural industries [eg. use of composting facilities and works]			
agricultural produce industries	✓	✓	X
livestock processing industries	✓	✓	X
sawmill or log processing industries	✓	✓	X
stock & sale yards	✓	✓	X

industries			
boat building and repair facilities	?	X	X
extractive industries	✓	✓	✓
general industries	?	X	X
heavy industries	✓	✓	?
light industries	?	X	X
mine	✓	✓	✓
vehicle body repair workshops	?	X	X
vehicle repair stations	?	X	X
heavy industrial storage establishments			
hazardous storage establishments	✓	✓	✓
liquid fuel depots	✓	✓	✓
offensive storage establishments	✓	✓	✓
storage premises			
self storage units	?	X	X
warehouse or distribution centres	?	X	X
depots	?	X	X
sewerage systems			
biosolids treatment facilities	✓	✓	?
sewage reticulation systems	✓	✓	?
sewage treatment plants	✓	✓	?
water recycling facilities	✓	✓	?
waste or resource management facilities			
resource recovery facilities	✓	✓	?
waste disposal facilities	✓	✓	?
waste or resource transfer stations	✓	✓	?
water supply systems			
water reticulation systems	✓	✓	X
water storage facilities	✓	✓	X
water treatment facilities	✓	✓	X
air transport facilities			
airport	✓	✓	✓
heliport	✓	✓	✓
airstrip	✓	✓	✓
helipad	✓	✓	✓
infrastructure			
car parks	?	X	X
electricity generating works	?	X	X
freight transport facilities	?	X	X
passenger transport facilities	?	X	X
telecommunication facilities	?	X	X
transport depots	?	X	X
truck depots	?	X	X
educational establishments [eg. TAFE establishment, etc.]	✓	✓	X
health services facilities			
hospitals	✓	✓	✓
medical centres	✓	✓	X
health consulting rooms	✓	✓	X
community infrastructure			
child care centres	✓	✓	X
community facilities	✓	✓	X
correctional centres	✓	✓	✓
emergency services facilities	✓	✓	X
industrial training facilities	?	X	X
information and education facilities	✓	✓	X
places of public worship	✓	✓	X
public administration building	✓	✓	X
research stations	✓	✓	X
respite day care centres	✓	✓	X

recreation			
boat launching ramps	✓	X	X
boat sheds (within 10m of a boundary)	✓	X	X
charter & tourism boating facilities	✓	✓	X
environmental facilities	✓	✓	X
jetties	✓	X	X
marinas	✓	✓	X
mooring	✓	X	X
mooring pens	✓	X	X
recreation areas	▲	▲	X
recreation facilities (indoor)	▲	▲	X
recreation facilities (major)	✓	✓	✓
recreation facilities (outdoor)	▲	▲	X
water recreation structures	✓	X	X
miscellaneous			
cemetery	✓	✓	✓
crematorium	✓	✓	✓
demolition	✓	▲	X
earthworks (less than 500 tonnes)	✓	✓	X
earthworks (500 tonnes or more)	✓	▲	✓
environmental protection works	✓	X	X
exhibition homes	✓	✓	X
exhibition villages	✓	✓	X
flood mitigation works	✓	X	X
mortuaries	✓	✓	X
temporary use of land	✓	X	X
Torrens title or community title subdivision in residential, rural or environmental protection zone	✓	X	X

Key:

✓ - Notification required.

▲ - Only if within or adjoining a residential, rural or environmental protection zone.

x - Notification not required.

Note:

1. Where an application is amended before it is determined, the application may be re-notified and/or re-advertised at cost to the applicant, if Council is of the opinion that the amended proposal may be likely to have an additional impact on the environment or the locality.
2. Where development is proposed over more than one property and a site sign is required, site signs need not be erected on all affected properties. At a minimum one site sign will be erected in a location which, in the opinion of Council staff, will offer the most public exposure of the sign.

3.2.2 What Development Does Not Require Notification?

Notification is not required for the following:

- single storey dwelling houses including alterations and additions to existing or approved single storey dwelling houses
- structures ancillary to a residential accommodation (eg swimming pools, pergolas, awnings, rainwater tanks, garages, carports, tennis courts, decks, play equipment)
- ringbark, cut down, lop, remove, injur or wilfully destroy trees or other vegetation

- home occupations
- signage
- alteration to an existing building where the works are internal, and will not result in any change to the height, external configuration or external facade of the existing building;
- change of use of premises from a commercial office to another commercial office or shop; shop to another shop or commercial office; light industry to light industry;
- intensification of hours of approved operation in a commercial or industrial zone, where the land does not adjoin a residential, rural or environmental protection zone;
- complying development as referred to in Schedule 3 of LEP 2011 or any SEPP;
- subdivision of an existing or approved development relating to residential, business and industrial development
- roads
- modification of development consent under Section 96(1) or 96(1A) of the Act (i.e. modifications involving the proposed correction of a minor error, mis-description, miscalculation or minimal environmental impact only)
- modification of development consent under Section 96(2) of the Act whereby the proposed modifications to relate only to interior works which will not result in any change to the height, external configuration or external facade of the existing or approved building
- any other development which in the opinion of the General Manager or delegated staff does not require notification.

3.2.3 Development Not Mentioned in 3.2.1 or 3.2.2

Development not mentioned in 3.2.1 or 3.2.2 will be notified or not notified at the discretion of Council staff.

3.3 WHO IS TO BE NOTIFIED?

As a minimum, letters will be sent to all persons who, according to Council property rating records, own or occupy land immediately adjoining the development site. In addition, letters may also be sent to owners or occupiers of any land that the General Manager or delegated staff considers may be detrimentally affected by the application having regard to the following criteria:

- the views to, from, and across/over the land;
- overshadowing;
- privacy;
- pollution, in terms of noise, dust, fumes and the like;
- the visual quality of the building in relation to the streetscape and neighbouring properties;
- the scale of the proposed buildings;

- the likely effect on the drainage of adjoining sites;
- the siting of the proposed building in relation to the site boundaries;
- hours of use;
- nature of use;
- light spillage or reflection;
- means of access to or provision of private parking on the development site;
- traffic generation; and
- particular circumstances of the application.

3.4 WHICH OTHER AUTHORITIES/PERSONS MAY BE NOTIFIED?

Where a development site adjoins a neighbouring Council's LGA, notification will be given to the respective neighbouring Council.

Applications may also be notified to additional persons and agencies based on consideration of the following criteria:

- scale of development;
- traffic generation;
- social and economic impact;
- impact on streetscape; and,
- potential impact on items of environmental heritage.

3.5 COST OF NOTIFICATION

The applicant shall pay to the Council a fee in accordance with Council's adopted [Revenue Pricing Policy](#), to cover the cost of notification of the DA.

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3.6 WHAT IS TO BE CONTAINED IN THE NOTIFICATION LETTER?

The notification letter should contain:

- address of the property and description of the land (Lot No., Deposited Plan, and House No. if applicable);
- development application number;
- the name of the applicant;
- a brief description of the proposal;

- where and when the application can be inspected;
- a statement that confidentiality will not be available to objectors;
- political donation disclosure;
- a plan of the proposal (A4 size).

3.7 WHAT IS TO BE CONTAINED IN THE SITE SIGN?

Where a site sign is required the site sign should be headed "Development Proposal" and should contain the following information:

- address of the property and description of the land (Lot No., Deposited Plan, and House No. if applicable);
- development application number;
- the name of the applicant;
- a brief description of the proposal;
- where and when the application can be inspected.

Council will erect the sign and the applicant may remove the sign at the end of notification period.

3.8 HOW LONG IS THE NOTIFICATION PERIOD?

The length of the notification period for "advertised" or "designated development" will be in accordance with the legislative requirements of the Act and Regulation. The length of the notification period for all other types of development is a minimum of 14 days. The General Manager, or delegated staff may extend the period of exhibition by an additional 14 days if they consider the application to be significant, complex or exhibited during Christmas or Easter Holiday periods.

3.9 MAKING A SUBMISSION

Any person can make submission object to or supporting a development proposal. The submission should quote the DA number, the author's name, address, and daytime contact details.

If the submission includes a petition, all the petitioners must sign the petition and clearly state their names, addresses and contact details.

Submissions can be hand delivered, posted to Hawkesbury City Council, PO Box 146, WINDSOR NSW 2756, faxed to (02) 4587 7740, or emailed to council@hawkesbury.nsw.gov.au. More information relating to the making a submission to Council is available on Council's website.

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3.10 WILL THE APPLICANT BE ADVISED OF SUBMISSIONS?

Confidentiality will not be available to objectors. In some cases, submissions may be referred to the applicant for their response. Where applications are amended in response to objections received, comments may be sought from previous objectors.

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3.11 NOTIFICATION OF DETERMINATION OF APPLICATIONS

Following determination of an application all persons who made submissions will be advised in writing of the decision as soon as practical.

3.12 SECTION 82A REVIEW OF DETERMINATIONS

Requests for review of determination pursuant to Section 82A of the Act which are to be determined by Council rather than a delegate shall be notified as follows:

- all persons who lodged a written statement of support or objection to the DA will be notified in writing of the time and date of the Council Meeting and invited to address the Council; and
- all persons who were notified of the original DA will be notified in writing of the time and date of the Council Meeting and invited to address the Council.

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Part B

**EXEMPT AND COMPLYING
DEVELOPMENT**



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CHAPTER 1

INTRODUCTION



1.1 INTRODUCTION

The NSW Government introduced a State-wide exempt and complying development code being part of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) in February 2009. The Codes SEPP identifies certain developments as either exempt development or complying development. In addition to the Codes SEPP, LEP 2011 also identifies certain developments as exempt or complying development.

Exempt development is generally a small-scale development with minimal environmental impacts. These minor developments can be carried out without the need to gain planning or construction approval. While these developments/structures may be considered relatively minor, if not properly controlled they may have the potential to impact adversely on neighbours or streetscapes. Therefore, predetermined standards are specified in the Codes SEPP and LEP 2011 to minimise these impacts, by restricting the size and location of these structures, and provide consistency for these minor forms of development throughout the State.

Complying development is a form of accelerated planning approval for development that meets predetermined development standards. The determination of a Complying Development Certificate (CDC) relies on a codes-based assessment, and there is no merit based assessment for complying development. Development that does not fully comply with all the controls is required to follow the standard development application assessment process at Council.

The Codes SEPP specifies development provisions or predetermined development standards for both exempt and complying developments under the following codes:

- General Development Code;
- General Housing Code;
- Housing Alterations Code;
- Rural Housing Code;
- General Commercial and Industrial Code;
- Subdivisions Code; and
- Demolition Code

1.2 OTHER RELEVANT LEGISLATION

Although the Codes SEPP or LEP 2011 specifies certain development as exempt development or complying development, other legislative requirements for approvals, licences, permits and authorities may still apply to them. Therefore the Codes SEPP and/or LEP 2011 need to be read in conjunction with other relevant legislation that regulates exempt and complying development including but not limited to:

- *Environmental Planning and Assessment Act, 1979 (the Act);*
- *Environmental Planning and Assessment Regulation 2000 (the Regulation);*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Local Government Act 1993;*
- *National Construction Code (NCC) and relevant Australian Standards (AS);*

- *Roads Act 1993;*
- *Swimming Pools Act 1992;*
- *National Parks and Wildlife Act 1974;*
- *Conveyancing Act 1919;*
- *Protection of the Environment Operations Act 1991;*
- *Occupation Health & Safety Regulation 2001; and,*
- *Threatened Species Conservation Act 1995*

The applicant has an obligation to ensure that all requirements are met prior to undertaking an exempt development or lodging a complying development application.

CHAPTER 2

EXEMPT DEVELOPMENT



2.1 EXEMPT DEVELOPMENT

Exempt Development is a minor development or a small-scale structure that has minimal environmental impacts, and can be carried out with no planning or construction approval. Developments undertaken as exempt development are subject to compliance with the development standards specified in the Codes SEPP, LEP 2011 and other relevant legislation, codes and standards.

Part 2 General Exempt Development Code of the Codes SEPP sets out preset development standards for different types of exempt development including certain aerials, antennas, air conditioning units, awnings, barbecues, blinds, canopies, cubby houses, decks, fences, garbage bin storage enclosures, garden sheds, home-based childcare centres, letter boxes, rainwater tanks, sky lights and wind mills. In addition, Schedule 2 Exempt Development of LEP 2011 also identifies certain development as exempt development.

The LEP 2011 requirements for exempt development are explained below.

2.2 REQUIREMENTS FOR EXEMPT DEVELOPMENT

To be exempt development, the development:

- must meet the relevant deemed-to-satisfy provisions of the *National Construction Code*, or if there are no such relevant provisions, must be structurally adequate;
- must not, if it relates to an existing building, cause the building to contravene the *National Construction Code*;
- must not be designated development;
- must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*;
- must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3 of LEP 2011);
- must not be on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*);
- must not be on land within a wilderness area (identified under the *Wilderness Act 1987*);
- must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent;
- must be installed in accordance with the manufacturer's specifications, if applicable;
- development that relates to an existing building that is classified under the *National Construction Code* as class 1b or class 2–9 is exempt development only if:
 - the building has a current fire safety certificate or fire safety statement, or
 - no fire safety measures are currently implemented, required or proposed for the building.

2.3 COMPLIANCE WITH THE PRESET STANDARDS

A careful self-assessment needs to be undertaken against predetermined standards set out either in the Codes SEPP or the LEP and other requirements in other relevant legislation to assess whether the development meets all the specified standards and requirements for exempt development. If the development satisfactorily meets all the criteria, it may be classified as an exempt development. If the development does not comply with all the requirements, development approval from Council needs to be obtained prior to commencing the development.

CHAPTER 3

COMPLYING DEVELOPMENT



3.1 COMPLYING DEVELOPMENT

Complying Development is a routine, low scale development that requires approval but which is capable of complying with all of the predetermined standards/controls specified in either the Codes SEPP or in Schedule 3 Complying Development of LEP 2011.

Complying development may include activities such as single storey dwelling houses, single storey dwelling house additions, covered decks, garages, industrial buildings, boundary adjustments and swimming pools, again, all not exceeding preset standards.

The LEP 2011 requirements for complying development are explained below.

3.2 REQUIREMENTS FOR COMPLYING DEVELOPMENT

To be complying development, the development must:

- be permissible, with consent, in the land use zone in which it is carried out;
- meet the relevant deemed to satisfy provisions of the *National Construction Code*;
- have an approval, if required by Local Government Act 1993, from Council for an on-site effluent disposal system if the development is undertaken on unsewered land
- must not be on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*);
- not be on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- not be designated development;
- not be on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 of LEP 2011 or that is subject to an interim heritage order under the *Heritage Act 1977*);
- not require concurrence (except a concurrence of the Director-General of the Office of Environment and Development, in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*));
- not be on land identified as an environmentally sensitive area for exempt or complying development (as defined in clause 3.3 of LEP 2011).

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3.3 APPLICATIONS FOR COMPLYING DEVELOPMENT CERTIFICATES

An application for a CDC may be made by the owner of the land on which the development is proposed to be carried out, or by any other person, with the consent of the owner of that land.

Applications can be made to Council or an accredited certifier.

3.4 INFORMATION REQUIREMENTS FOR APPLICATIONS FOR COMPLYING DEVELOPMENT

An application for a CDC should contain the information, and be accompanied by the documents, specified in Part 2 of Schedule 1 of the Regulation (see www.legislation.nsw.gov.au for details).

3.5 ADDITIONAL INFORMATION

Council may require additional information concerning the proposed development that is essential to the Council's consideration of the application.

3.6 WITHDRAWAL OF APPLICATION

An application for a CDC may be withdrawn at any time prior to its determination by the applicant by the provision to Council of a notice to that effect.

3.7 NEIGHBOUR NOTIFICATION

There is no requirement to notify neighbours before the CDC is issued. However, it is good practice to discuss with adjoining owners at the early stages of the design of the development prior to the lodgement of the application with Council.

A condition of consent may be imposed on a CDC requiring notification to neighbours within 20m of the subject property within two days of works commencing.

3.8 DETERMINATION OF APPLICATIONS

Complying development is a fast track, 10-day approval process. Council may determine an application by issuing a CDC unconditionally or subject to conditions, or by refusing to issue a CDC.

There is no right of appeal against the determination of, or a failure or refusal to determine, an application for a CDC by Council.

3.9 MONETARY CONTRIBUTION

In accordance with sections 85(6)(a) and 85(9) of the Act and Council's Development Contributions Plan(s), the payment of a monetary contribution may be imposed as a condition of a CDC.

3.10 NON COMPLIANCE

Once a CDC has been issued, the work undertaken must comply with the approved plans. No retrospective approval can be provided. If the work undertaken is not compliant with the CDC, Council may issue an order regarding the unauthorised works, and also may take action against such works.

3.11 DURATION A COMPLYING DEVELOPMENT CERTIFICATE

A CDC becomes effective and operates from the date endorsed on the certificate. The CDC lapses 5 years after the date endorsed on the certificate and no proceedings may be taken before a court or tribunal to extend this period. However, a CDC does not lapse if the development to which it relates is physically commenced on the land within the period of 5 years after the date of endorsement of the certificate.

3.12 MODIFICATION OF COMPLYING DEVELOPMENT

The applicant or a person having the benefit of a CDC may apply to modify the development the subject of the application or certificate.

Chapter 9

PRESERVATION OF TREES AND VEGETATION



9.1 INTRODUCTION

This chapter of the DCP provides development controls for the preservation and management of certain trees and vegetation within the Hawkesbury LGA.

This chapter is in response to Clause 5.9 Preservation of Trees or Vegetation of LEP 2011. Under this clause, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy “prescribed” trees or vegetation, without development consent or a permit being granted by Council. This chapter of the DCP prescribes the trees and vegetation to which the clause applies by reference to species, size, location or other manner.

9.2 AIMS AND OBJECTIVES

The aim of this chapter is to preserve the amenity, biodiversity, ecology and heritage of the area through the preservation of trees and vegetation.

The objectives of this chapter are to:

- a) prescribe the trees and vegetation to which this chapter applies
- b) clarify the assessment criteria under which applications to ringbark, cut down, top, lop, remove, injure, or wilfully destroy trees or vegetation will be determined
- c) define the meaning of terms used within this chapter

9.3 DEVELOPMENT CONTROLS

This section identifies the circumstances in which development consent or a permit is required to ringbark, cut down, top, lop, remove, injure, or wilfully destroy trees or vegetation within the Hawkesbury LGA.

9.3.1 When Is Development Consent or a Permit Required?

Clause 5.9 of LEP 2011 requires Council to “prescribe” species or kinds of trees or vegetation that a person must not ringbark, cut down, top, lop, remove, injure, slash, poison or wilfully destroy without development consent or a permit being granted by Council.

The following trees and vegetation are “prescribed” for the purposes of Clause 5.9:

- any tree with a height greater than 4 metres, or a branch spread greater than 3 metres, or a trunk circumference greater than 500 mm at 1 metre above ground level. Excluding trees on land which is less than 1000m² in area and zoned R1 General Residential, R2 Low Density Residential (not including land located in Kurrajong or Kurrajong Heights), or R3 Medium Density Residential
- native trees or native vegetation on land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holdings, RU5 Rural Village, R5 Large Lot Residential, SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or on

land shown on the Environmental Constraint Area Map or the Biodiversity Protection Map of LEP 2011

- trees on Council's Significant Tree Register
- trees within 40m of a watercourse

9.3.2 When is Development Consent or a Permit Not Required?

Development consent or a permit is not required to ringbark, cut down, top, lop, remove, injure, slash, poison or wilfully destroy the following trees or vegetation (not including heritage items or heritage conservation areas):

- any tree or vegetation that Council is satisfied is dying or dead and is not required as the habitat of native fauna. The owner of the land (or person(s) acting on their behalf) on which the tree or vegetation exists must provide to Council written justification, including photographs, from an Arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied the tree or vegetation is dying or dead and is not required as the habitat of native fauna
- any tree or vegetation that Council is satisfied is a risk to human life or property. The owner of the land (or person(s) acting on their behalf) on which the tree or vegetation exists must provide to Council written justification, including photographs, from an Arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied the tree or vegetation poses an immediate and imminent danger to people or property
- plants declared to be noxious weeds under the *Noxious Weeds Act 1993*
- plants of any of the following species:
 - *Salix spp.* (all Willow species)
 - *Populus spp.* (all Poplar species)
 - *Ligustrum lucidum* (Broad - leaf privet)
 - *Ligustrum sinense* (Small - leaf privet)
 - *Ricinus communis* (Castor Oil plant)
 - *Gleditzia tricanthos* (Honey Locust)
 - *Alianthis Altissima* (Tree of Heaven)
 - *Cortaderia Selloana* (Pampas Grass)
 - *Olea europaea* (African Olive)
 - *Acer Negundo* (Box Elder)
 - *Toxicodendron succedaneum* (Rhus Tree)
 - *Cinnamomun camphora* (Camphor Laurel)
 - *Pinus radiata* (Radiata Pine)
 - *Syagrus romanzoffiana* (Cocos Palm)

- Phoenix canariensis (Canary Island Date Palm)
- *Erythrina spp.* (Coral Trees)
- Citrus sp. (Fruit trees)
- environmental weeds or introduced species removed as part of bush regeneration activities - a current list of which may be obtained from Council
- any species of parasitic mistletoe or parasitic plant from any part of a tree or vegetation to ameliorate the effects on the tree or vegetation from such a parasite as identified by a qualified arborist
- fruit trees where the works only involves seasonal pruning for the purpose of maintaining fruit production
- pruning for the purposes of seed collection where less than 10% of the seed resources is removed
- any tree or vegetation on Council owned or managed land provided Council, acting in it's capacity as owner or manager, has given approval prior to the works being undertaken
- any tree or vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*
- action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying Act 2002*, or the *Rural Fires Act 1997*
- any tree or vegetation the immediate removal of which is essential for emergency access, emergency works, emergency fire fighting or bushfire hazard reduction work by Council, the State Emergency Service, Rural Fire Service, or other public authority

9.3.3 Heritage Items and Heritage Conservation Areas

Notwithstanding the above provisions relating to prescribed trees and vegetation and exemptions, development consent is required for the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or vegetation that is or forms part of a heritage item or that is within a heritage conservation area. The heritage provisions of Clause 5.10 of LEP 2011 are applicable in these cases.

9.4 MATTERS FOR CONSIDERATION

In assessing applications for development consent or a permit to ringbark, cut down, top, lop, remove, injure, slash, poison or wilfully destroy trees or vegetation, the following matters are considered:

1. **The existing and likely future amenity of the area.** Is the tree or vegetation:
 - a. significant as a single specimen or as part of a group
 - b. of historic or cultural significance
 - c. registered on Council's Significant Tree Register

- d. prominent due to its height, size, position, or age
- e. endemic, rare, or threatened
- f. providing a significant visual screen
- g. part of an important wildlife habitat
- h. providing shade to livestock

2. **The health and safety of the tree or vegetation.** Does the tree or vegetation:

- a. suffer from a decline that is prolonged and irreversible
- b. contain large dead branches
- c. have structural cracks and fractures on the branches, or fractures or cracks at the junction between two trunks and these problems cannot be rectified
- d. have a large number of epicormic shoots that are poorly attached through incorrect previous pruning activities and pruning cannot rectify the problem
- e. have a fruiting body of pathogenic fungi and there is a consecutive decline of the cambium around the wound (a canker) and the rate of decay is exceeding the rate of growth of new tissue
- f. show signs of movement in the ground, such as an obvious lifted mound with exposed broken roots or a lean that is progressively getting worse. Note - exposed roots can occur naturally and does not effect the safety of the tree or vegetation
- g. suffer damage to large branches or has the trunk been broken as a result of a storm event

Note: It is impossible to say a tree is "safe". It is presumed that a small and controlled level of risk is inherent in many human activities. Risk management may frequently fall back to the owner of the tree in terms of tree maintenance rather than tree removal.

3. **The physical characteristics of the tree or vegetation.** This includes the current and potential height, branch spread, trunk diameter, the growing environment and life expectancy. This is assessed in terms of the suitability of the tree or vegetation in a given situation e.g. under power lines, root interference with services, or buildings.

4. **The damage or potential damage caused by a tree or vegetation.** For example is:

- a. the tree or vegetation, its trunk, or its root system causing damage to a structure and the damage cannot be controlled by measures such as the installation of a root barrier
- b. the tree or vegetation damaging other property, retaining walls and the like, and root pruning or modification of the property cannot stop further damage
- c. the tree or vegetation causing illness or severe allergic reaction to a person and such claim can be substantiated by medical evidence from a registered practitioner.

5. **The protection of the natural environment.** For example:

- a. protecting wildlife corridors and vegetation links with other bushland
- b. protecting and retaining vegetation as a natural stabiliser of the soil surface, particularly on steep slopes or along watercourses

- c. protecting bushland for scenic values and the retention of the unique visual characteristic of the landscape
 - d. retaining trees and vegetation that provide habitat for native fauna such as birds, bats and arboreal mammals
 - e. protecting vegetation that may be part of a threatened ecological community
6. **Implications for biodiversity.** To determine the conservation status of the tree or vegetation it may be necessary for a flora and fauna survey and assessment of ecological values to be carried out.
7. **Criteria for Refusal of an application.** The following shall not generally be considered as valid reasons to ringbark, cut down, top, lop, remove, injure, slash, poison or wilfully destroy trees or vegetation:
- a. to avoid leaf drop into gutters, downpipes or pools
 - b. to increase natural light
 - c. to improve the effect of street light
 - d. to enhance views
 - e. to reduce minor shading
 - f. to reduce fruit, bark, resin or bird droppings
 - g. minor lifting of driveways or paths
 - h. potential damage to sewer mains, unless the application is supported by written expert advice.
 - i. the tree or vegetation has entered a drainage or sewer system where the system is found to be in poor condition or in disrepair.
 - j. insect attack (this is not a basis for removal of a tree or vegetation, but may be a warning to provide some form of remedial treatment. Inspection and recommendation should be sought from an AQF 5 qualified Arborist)
 - k. prevent overshadowing of solar panels or the like
 - l. to construct a building when the structure could be relocated away from the tree or vegetation

9.5 SUBMISSION REQUIREMENTS

In addition to the submission of a properly completed application form, payment and associated documentation the following information may be required.

9.5.1 Structural Engineers Report

Where an application is to remove a tree or vegetation where structural damage is alleged, the applicant may also be required to submit a report from a suitably qualified structural engineer in consultation with a suitably qualified arborist.

9.5.2 Arborist Reports

The submission of an Arborist Report may be required in the following circumstances:

1. works affecting any trees on Council's Significant Tree Register
2. works affecting trees or vegetation which constitutes a threatened species, population or and ecological community under the *Threatened Species Conservation Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*
3. where Council requires further information/clarification regarding the affect of the proposed works on the tree or vegetation.

The Arborist Report is to be prepared by a Consulting Arborist who:

1. holds a minimum Australian Qualification Framework (AQF) level 5 or higher in Arboriculture or equivalent, and
2. at least five (5) years practical experience in tree diagnosis and reporting, and is not employed to remove trees.

9.5.3 Guidelines for Preparing an Arborist Report

The following information should be addressed in an Arborist Report:

1. General Information
 - a. The name, business address and telephone number of the Arborist and/or company who inspected the tree(s) or vegetation and prepared the report
 - b. The qualifications and industry experience of the Arborist who prepared the report
 - c. The address and owner(s) of the site where the tree(s) or vegetation are located
 - d. Who commissioned the report
 - e. The date(s) the inspection was undertaken
 - f. The aims/purpose of the report
2. Site Plan
 - a. a drawn to scale plan of the site accurately showing
 - b. location of the tree(s) or vegetation with an individual number given to each plant including trees and vegetation on adjoining land, including street and park trees that may be affected by the proposed works
 - c. recommended tree protection zones
 - d. lot boundaries
3. A table showing the following details for each plant surveyed:
 - a. the common and full scientific name
 - b. plant number on the site plan
 - c. age class
 - d. estimation of the height

- a. trunk circumference at 1 metre above ground level
 - b. canopy spread to the four cardinal corners
 - c. a summary of the health and condition of each tree, addressing root system, trunk, branch and foliage
 - d. estimated useful life expectancy using appropriate industry methods
4. Discussion of the data collected - This may include details of tree hollows or potential hollows for wildlife, wounds, cracks, fractures, root form and distribution, pests and diseases etc.
 5. A hazard assessment undertaken in accordance with industry best practice
 6. Supporting evidence such as photographs and/or laboratory results to confirm presence of soil pathogens or support soil assessment, where relevant
 7. Discussion of all options available, including why they are recommended or why they are not recommended. For example, can a built structure be repaired and are there suitable management options that would allow retention of the tree(s) or vegetation
 8. Description of recommended protection measures to be put in place to ensure the protection of trees and vegetation to be retained and a post-construction maintenance program that can be used as conditions, should the application be approved
 9. Common and scientific names of all tree(s) or vegetation species proposed for replacement planting, proposed landscaping plans, and any soil remediation
 10. Sources of references referred to in the report. References not used in the report should not be included

9.5.4 Flora and Fauna Reports

The submission of a flora and fauna report may be required in the following circumstances:

11. works affecting of trees or vegetation which constitutes a threatened species, population or and ecological community under the *Threatened Species Conservation Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*
12. where Council requires further information/clarification regarding the affect of the proposed works on the tree or vegetation.

Flora and fauna reports are to be prepared in accordance with Council's "Guidelines for Preparing Flora and Fauna Reports".

9.6 DEFINITION OF TERMS

dead tree means to a tree that is no longer capable of performing one of the following processes: photosynthesis, take up water through roots, hold moisture in its cells and produce new shoots (from under bark or from a lignotuber).

destroy means any immediate or ongoing process or activity leading to the death of a tree or vegetation.

dying means a tree that is exhibiting any of the following symptoms:

1. permanent leaf loss in both deciduous and evergreen plants
2. permanent wilting
3. shedding of the epidermis

environmental weed – means a plant that poses a threat to the natural environment. A list of environmental weeds in the Hawkesbury can be obtained from Council.

habitat tree means any tree which has developed hollows in the trunk or limbs and which is suitable for nesting birds, arboreal marsupials (such as possums), native mammals (such as bats) or which support the growth of locally indigenous epiphytic plants (such as orchids).

injury or **willful destruction** means damage to a tree or vegetation and includes:

Deleted: willful

1. lopping and topping
2. poisoning, including applying herbicides or other toxic chemicals, or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zones
3. cutting, tearing, snapping and breaking of branches and roots that is not carried out in accordance with accepted arboriculture practices or is done for invalid reasons such as vandalism
4. ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches or inflicting a blaze on a tree as a marker point
5. damaging a plant's root zone by compaction or excavation, stripping of topsoils, asphyxiation by burial or the alteration of ground level or water table which causes damage to the tree or any part of the plant
6. under scrubbing

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lop or **lopping** means cutting between branch unions or at internodes on a young tree, with a final cut leaving a stub.

prune means to cut off living parts or branches of a plant, to improve shape or growth.

remove, removal and **cutting down** means to dismantle a tree or vegetation, for example by chainsaw, or to separate the tree or vegetation from the ground where it is growing or dislodging it with earth moving equipment in order to kill the tree or vegetation so that the tree or vegetation, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and or roots and to taking away, or grinding or burning out of its remains to prevent regrowth.

top or topping means cutting away part or all of a tree's foliage crown leaving a trunk and stubbed main branches to reduce its height and spread and it an antiquated practice which damages a tree, reducing its strength and vigour and promoting its premature decline.

vegetation means any plant life not defined by this plan as a tree and includes any sapling, shrub, scrub, understory plants, groundcover (herbaceous or grass) and plants occurring in a wetland.

Chapter 7

WINDSOR DISTRICT BAPTIST CHURCH SITE

739 - 741 GEORGE STREET, SOUTH WINDSOR

7.1 INTRODUCTION

This chapter provides objectives and development controls for the development of Lots 1 and 2 DP1148514, 739 – 741 George Street, South Windsor known as the Windsor District Baptist Church site.

The site has an area of approximately 6 hectares, and is located on the northern corner of the intersection of Richmond Road, Blacktown Road and George Street, Windsor. The site is generally triangular in shape with a south-western frontage to Blacktown Road, a south-eastern frontage to George Street and a north-northeastern boundary which adjoins a property currently used for a service station. A small north-western boundary adjoins Rickabys Creek. The site and surrounds is shown in Figure 1 below.

Figure 1: Subject site and surrounds



Source: Google Earth

The site is highly visible from the major junction of Blacktown Road and George Street and denotes the entry to the City of Hawkesbury on approach along Blacktown Road when travelling northwest. The site forms an important gateway as one key entry to the City of Hawkesbury.

George Street is the main route linking Windsor and Blacktown Road and is part of the main traffic route from Windsor to Penrith. Blacktown Road serves as a main route linking Blacktown and Richmond. Hence the site is situated on a number of major traffic routes for the Hawkesbury LGA.

Lot 1 DP 1148514, 739 George Street is occupied by a church and associated outbuildings and it is anticipated that these will remain and continue in operation.

Other limited commercial development adjoins the site such as service station and landscape supplies. The site forms part of a small precinct that can provide services to both local residents and large volumes of travelling motorists who may be travelling either to or through the area.

7.2 DESIRED FUTURE DEVELOPMENT

New development on Lot 2 DP 1148514, 741 George Street site will need to be compatible with the operations of the Church and land uses on neighbouring properties and given the site's high visibility future development will need to be of an appropriate quality considering the location of the site.

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Future development should promote the present rural character and also recognise the gateway location of the site at the juncture of Blacktown Road and George Street as an entry point to the Hawkesbury LGA. Development should encourage a suitable rural character utilising materials and styles reflective of rural buildings and building styles within the Hawkesbury LGA. The scale of buildings should also reflect and be appropriate for a rural setting.

At present the site generally has an open rural quality with a combination of flatter grasslands (approximately two thirds of the site) and some limited areas of woodlands. The visual character of being an open site with some screened views through the site should be maintained. Future development should generally be located in the existing grasslands and flatter areas with areas of woodland being retained. It is important that a high quality landscape character on the street frontage is maintained and enhanced with some open vistas of the site. Good quality endemic landscape should be provided along the street frontages.

The site offers significant advantages and opportunities to cater for travelling motorists and also for promoting employment in the Hawkesbury LGA. It provides a suitable potential location for tourist information as well as other tourist or promotional services for the LGA area with excellent access. Importantly being at a significant road junction at the entry to the Hawkesbury LGA it provides a natural place for travellers to rest, resupply and to orientate their travels. Preferred development will relate to uses that offer community services or are accessible by the public and which are compatible with the balance of the site being continued to be used by the Church.

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The Church currently has a peak carparking demand on a Sunday when it holds worship services but generally lower carparking demands during normal trading hours. The potential sharing of carparking and management of carparking will be an important consideration in any future development of the site. Appropriate access to the Church's portion of the site from George Street is also necessary.

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7.3 OBJECTIVES

The primary objectives of this chapter are:

- a) to ensure that any future development incorporates and reflects sound urban design principles and is compatible with neighbouring land uses and the desired future character of the area
- b) to minimise the impact of the development on the Windsor District Baptist Church and its operation on the land
- c) to retain and enhance the existing streetscape

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- d) to minimise any impact on existing flora and fauna on the site
- e) provide appropriate framework to enable orderly development on the land

7.4 DEVELOPMENT CONTROLS

This chapter sets out specific requirements for development of the site. These requirements are additional to the general development controls and land use-specific development controls contained within other parts of the DCP. If this chapter is inconsistent with other parts of the DCP, this Chapter prevails to the extent of the inconsistency. Figure 2 illustrates some of the development controls of this chapter.

7.4.1 BUILDING DESIGN AND LOCATION

OBJECTIVES

- a) To encourage innovative designs and development that is responsive to the site attributes, sympathetic to the existing streetscape and consistent with the desired future development of the site
- b) To ensure that development will not detrimentally affect the amenity of land owners/occupiers in the locality

DEVELOPMENT CONTROLS

1. Buildings are to be appropriately designed and located in order to:
 - a. facilitate development of the site as a gateway to the Hawkesbury and compliment the existing rural character of the locality
 - b. minimise adverse operation or visual impacts on the Church
2. External materials, finishes and colours should be compatible with the surrounding environment and the existing development on the land
3. Long blank walls should be avoided, and alignment of new buildings should be articulated, presenting an interesting and varied façade to the street frontages and other visually significant elevations
4. The bulk and scale of buildings should harmonise with the surrounding development and the existing rural character of the locality
5. Pitch roof forms for new buildings are encouraged to maintain and enhance the existing character of the locality
6. Plant and equipment facilities should not be visible from George Street or Blacktown Road

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7. Where practicable, the existing screened views of the Church from Blacktown Road and George Streets should be retained through appropriate separation of new buildings or the introduction of open space areas between buildings

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7.4.2 BUILDING HEIGHT

OBJECTIVES

- a) To ensure the height of new development is not excessive and is sympathetic to the local context

DEVELOPMENT CONTROLS

1. The height of any building on the land shall not exceed 10 metres above existing ground level

7.4.3 SETBACKS

OBJECTIVES

- a) To establish, maintain or enhance attractive streetscapes and safer roadways with adequate sightlines
- b) To maximise the opportunity to retain and reinforce mature vegetation

DEVELOPMENT CONTROLS

1. The minimum front building setback to Blacktown Road and George Street (exclusive of any land required for road widening) is 15 metres.
2. The setback area is to be used only for landscaping and associated landscaping structures, direct vehicular and pedestrian access to the site, and the placement of one (1) multi-tenant sign per street frontage located near the entry/exit points

7.4.4 PARKING AND ACCESS

OBJECTIVES

- a) To ensure adequate onsite parking is available to occupants and visitors
- b) To ensure safe, efficient and effective vehicular and pedestrian access arrangement to and from the development

DEVELOPMENT CONTROLS

1. Only one left-in/left-out entry/exit point to and from the site on George Street near or at the intersection of George Street/Thorley Street is permitted
2. Only one left-in/left-out entry/exit point to and from the site on Blacktown Road near or at the intersection of Bennett Road/Blacktown Road is permitted
3. An internal access road is to be provided on Lot 2 DP 1148514 near or adjacent to the common boundary of Lots 1 and 2. This access is to be shared by both Lots. The service road is to make allowance for connection with a possible future service road on the property to the north of the site.
4. A pedestrian crossing on George Street it to be provided incorporating such design features as agreed by the Council and RTA, near the entry/exit point to the site or near Thorley Street
5. A 2.5m wide shared pedestrian and cycleway on the eastern side of George Street between Thorley Street and Colonial Drive, Bligh Park is to be provided incorporating such design features as agreed by the Council and RTA

7.4.5 LANDSCAPING AND FENCING**OBJECTIVES**

- a) To protect and enhance the views and vistas to and from the site when viewed from George Street and the corner of George Street and Blacktown Road
- b) To retain and enhance the existing streetscape and soften bulk and scale of the development
- c) To protect any significant vegetation and encourage additional significant vegetation within the site

DEVELOPMENT CONTROLS

1. The front setback areas to George Street and Blacktown Road are to revegetated with Cumberland Plain Woodland species in order to enhance the existing streetscape whilst maintaining visual linkages to and from the site when viewed from George Street and the corner of George Street and Blacktown Road
2. The areas of Cumberland Plain Woodland should be retained and incorporated into the landscaping provided on the site
3. Only open style post and rail or post and wire strand fencing is permitted on street frontages. This is to maintain existing visual links and views to and from the site

7.4.6 SIGNAGE

OBJECTIVES

- a) To encourage well designed and well located signage that compliments the streetscape
- b) To provide an opportunity to adequately and appropriately advertise an approved use/activity of any premises
- c) To avoid visual clutter through the proliferation of signs

DEVELOPMENT CONTROLS

- 1. Signage is to comply with the requirements set out in the Section 3.2 Signs in Commercial and Industrial Zones of Chapter 3 – 'Signs', Part C of this DCP
- 2. Only one (1) multi-tenant sign per street frontage is permitted. The sign is to be located near the entry/exit points and shall not be greater than 6 metres in height

7.4.7 OPEN STORAGE AREAS

OBJECTIVES

- a) To provide adequate areas for storage
- b) To ensure outdoor storage areas do not detract from the appearance of the area

DEVELOPMENT CONTROLS

- 1. Open storage areas are to be screened from the George Street and Blacktown Road and adjoining land by screen walls or other approved measures
- 2. Storage areas are to be located behind the building line

