

# ENVIRONMENT AND PLANNING SERVICES - FILL

## LANDFILL

If you're thinking about using fill on your land or storing wastes such as tyres, you must first contact Council. Council has adopted a policy that Development Consent is required from Council for any filling of land which:

- Exceeds 600mm in height above the natural ground level
- Adversely effects the amenity of adjoining residents.
- Interferes with the original/natural state of the vegetation, topography, drainage, heritage, scenic and other qualities of the site.
- If the fill is more than 150mm deep—not occupy more than 25% of the area of the lot
- Landfill of waste material is not permitted without formal approval and any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties.

## WHAT IS FILL?

The Hills Shire Council's LEP 2019 defines "fill", as follows: *Fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:*

- (a) *the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping turf, or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or*
- (b) *the use of land as a waste disposal facility.*

A Development Application is required for the filling or re-shaping of land and the in-filling of dams which:

1. exceeds 600mm in depth above natural or pre-existing ground level; or
2. If the fill is more than 150mm deep—occupy more than 25% of the area of the lot
3. is within 40 metres of a river, creek, water course or natural drainage depression.

When a development application is not required, all fill is to be suitably compacted and stabilised. In addition, the fill should be top dressed and seeded with fast growing grasses to stop any soil erosion.

## WHAT INFORMATION IS NEEDED TO ACCOMPANY MY APPLICATION?

All applications proposing the filling of land are to be submitted on the standard development application form signed by all owners of the subject site. The development application is to be accompanied by two (2) copies of the following information:-

Statement of Environmental Effects (SEE) describing the source, type and quantity of fill and its potential environmental impact. The SEE should also demonstrate compliance with relevant environmental planning instruments, including Sydney Regional Environmental Plan No.20 - Hawkesbury- Nepean River (Amendment No.2-1997), LEP 2019, and Section 4.46 of *NSW Environmental Planning & Assessment Act 1979* in respect to any works within 40 metres of a river creek, watercourse or natural drainage depression and provide written justification to demonstrate that the landfill as being in

association with an approved landuse activity on the site.

Survey Plan prepared by a practising registered surveyor to show the existing natural ground contour levels, the full extent and degree of the fill, and finished ground contour levels and cross sections indicating the depth of fill are to accompany survey plans.

- Geotechnical advice prepared by a qualified geotechnical engineer to confirm the method of stability and compaction rate.
- Sediment and Erosion Control Plan to show how sedimentation will be controlled.
- Landscape Plan prepared in accordance with Council's Development Control Plan Part D Section 3 – Landscaping, to show tree protection measures and a tree retention and replenishment scheme.
- Flora and Fauna Impact Assessment Report and / or Seven Part Test for all threatened species endangered ecological communities within and in proximity of the site.

*Note: The approval of any application for landfilling or landreshaping works be limited to the use of Virgin Excavated Natural Material (VENM) fill material which must not contain any contaminants and does not include any car bodies, tyres, demolition waste, or any organic waste.*

### IS IT NECESSARY TO DISCUSS THE APPLICATION WITH A COUNCIL OFFICER?

Yes, applicants are required to consult with the Duty Town Planning Officer, prior to formally submitting your application and accompanying documentation to Council.

A pre-lodgement meeting with the Duty Town Planner will also allow your application to be checked prior to lodgement and thereby ensure all relevant information is being provided to enable Council to determine the development application.

### WILL MY NEIGHBOURS BE ADVISED OF THE APPLICATION?

Upon receipt of the Development Application Council will notify adjoining property owners (and any other property/ person deemed to be affected by the proposal) of the proposal and allow a minimum 14 day period for submissions to be received.

Accordingly, it is advised, prior to lodgement of the development application with Council that you discuss your proposal with your neighbours. It may also provide an opportunity for you to consider any suggestions from your neighbours and thereby avoid delay in the processing of the

application at a later date.

### FEES

Submission of the Development Application must be accompanied by the Development Application Fee as contained on Council's Schedule of Fees and Charges. A Schedule of Fees can be obtained from Council's Customer Service Centre.

### HOW WILL MY APPLICATION BE DETERMINED?

Once lodged with Council, your application is assessed and then determined via one of the following decision making processes: -

- Under Delegated Authority.
- By Council's Development Assessment Unit (DAU) meeting. Development Applications determined by the DAU are those, which do not comply with relevant planning regulations/ policies, and/or where an objection has been submitted.
- By an Ordinary Meeting of the Council. Development Applications determined by the Elected Council are those of a controversial nature, which may have, been referred by the DAU or attracted a large volume of objection.

### FURTHER INFORMATION

If you are unsure, please ask - Time spent early may avoid delays later.

#### Customer Service Centre:

3 Columbia Court, Norwest NSW 2153

Phone: 9843 0555

Duty Town Planner: 9843 0469

Hours: 8:30 am to 4:30 pm, Monday to Friday

Website: [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

### DISCLAIMER

*This fact sheet provides a summary of the major issues concerning landfill. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with relevant staff at Council's Customer Service Centre should be undertaken. This document is subject to change without notice.*