



New South Wales

## **Baulkham Hills Local Environmental Plan 1991 (Amendment No 74)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(P98/00399/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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## **Baulkham Hills Local Environmental Plan 1991 (Amendment No 74)**

### **1 Name of plan**

This plan may be called *Baulkham Hills Local Environmental Plan 1991 (Amendment No 74)*.

### **2 Aims, objectives etc**

This plan aims to amend *Baulkham Hills Local Environmental Plan 1991* by:

- (a) making provision for exempt and complying development,
- (b) introducing a number of new definitions and amending several existing definitions, and
- (c) replacing certain provisions relating to advertised development, in accordance with changes to the *Environmental Planning and Assessment Act 1979*.

### **3 Land to which plan applies**

This plan applies to all land to which *Baulkham Hills Local Environmental Plan 1991* applies.

### **4 Amendment of environmental planning instruments**

- (1) This plan amends *Baulkham Hills Local Environmental Plan 1991* as set out in Schedule 1.
- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6–10):  
Baulkham Hills local government area

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## Schedule 1 Amendments

(Clause 4 (1))

### [1] Clause 5 Definitions

Omit clause 5 (1). Insert instead:

(1) In this plan:

***additions and alterations*** related to an existing dwelling means additions or alterations to a dwelling-house lawfully erected, including garages, swimming pools and outbuildings or structures incidental to a dwelling-house, but not including tennis courts, squash courts and the like.

***advertisement*** means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

***advertising structure*** means a structure used or to be used principally for the display of an advertisement.

***agricultural products establishment*** means a building or place used for the sale of goods or materials used in agricultural production, but does not include a building or place elsewhere specifically defined in this clause.

***agriculture*** includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like, but not for the purpose of poultry farming establishments, pig keeping establishments, intensive animal industries or intensive horticulture establishments.

***airline terminal*** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

***alter***, in relation to a heritage item or to a building or work within a conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or

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- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes resulting from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

***amusement park*** means a place where amusements or mechanical or electronic entertainments are permanently situated.

***apartment building*** means a building containing 3 or more dwellings.

***appointed day*** means 1 March 1991.

***aquaculture*** means the cultivation of plants or rearing of fish or other organisms (including crustaceans and oysters) in water.

***attached dual occupancy*** means the erection of two dwellings, or the modification of an existing dwelling to create a second dwelling, under a common roof on a single allotment of land.

***bed and breakfast establishment*** means an establishment in an existing dwelling house which:

- (a) has the owner as a permanent resident living in the dwelling-house, and
- (b) provides temporary accommodation, up to a maximum of 1 month, for the short term traveller, and
- (c) offers no more than three guest rooms, and accommodation for no more than 6 guests, at any one time, and
- (d) provides one off-street parking space per guest room,
- (e) offers meals for guests only served with non-alcoholic beverages, and
- (f) does not contain cooking facilities in guest rooms for preparation of meals by guests, and
- (g) exhibits a notice, advertisement or sign which does not exceed 0.6m<sup>2</sup>, and is located adjacent to the front property boundary, and
- (h) complies with all relevant requirements of the *Building Code of Australia*, and

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- (i) provides a smoke detection system in the building in accordance with requirements of AS 3786 which is:
    - (i) connected to a permanent 240V power supply,
    - (ii) provided with a battery backup to activate the alarm unit in the event of failure of the permanent power supply, and
  - (j) provides a fire extinguisher and a fire blanket in the kitchen.

***bulky goods retailing*** means the retailing of large goods which are, in the opinion of the Council, of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale,

but does not include the retailing of food, clothing, books or the like.

***bus depot*** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

***bus station*** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

***bushfire fighting establishment*** means a building appurtenant to the operation of a bush fire brigade formed or organised under the *Rural Fires Act 1997*, unless elsewhere specifically defined in this clause.

***bushfire hazard reduction*** means a reduction or modification (by controlled burning, or by mechanical or manual means) of material that constitutes a bushfire hazard.

***car repair station*** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being motor body manufacture and repair.

***caravan park*** means land (including a camping ground) on which caravans (or other moveable dwellings) are, or are to be, installed or placed.

***caretaker's dwelling*** means a dwelling occupied by a person employed by the Council for the purpose of providing security or maintenance services to the land on which the dwelling stands.

***child care centre*** means a building or place used to provide a child care service within the meaning of the *Children (Care and Protection) Act 1987*.

***civic centre*** means a building or place:

- (a) that is owned and controlled by the Council, and
- (b) that is used for the benefit of the community, and
- (c) that may include commercial premises, community facilities, educational establishments, entertainment centres and reception establishments,

and includes a building or place that is owned and controlled by the Council and is used by the Council as an administrative centre.

***classified road*** means a road or work, or a proposed road or work, declared under the *Roads Act 1993* to be:

- (a) a main road, or
- (b) a secondary road, or
- (c) a State highway, or
- (d) a tourist road, or
- (e) a State work, or
- (f) a freeway, or
- (g) a controlled access road,

and shown on the map by a continuous blue centre-line.

***club*** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or a different kind, and whether or not the whole or a part of the building is the premises of a club registered under the *Registered Clubs Act 1976*.

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***commercial premises*** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a land use elsewhere specifically defined in this clause.

***community facility*** means a building or place owned or controlled by the Council and used for the purpose of providing facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding,
- (g) a public building,
- (h) a restaurant,

or used for any other like purpose.

***conservation area*** means the land edged heavy black and marked "Conservation Area" on the map.

***convenience store*** means a shop which, at the appointed day, was a service station and at which:

- (a) a variety of goods, including foodstuffs, personal care products, household cleaning products and small items of hardware are sold, and
- (b) petrol, oil and petroleum products are sold (whether or not other goods are also sold), and
- (c) other goods may be made available for hire within an ancillary area.

***Council*** means the Council of the Shire of Baulkham Hills.

***dam*** means a barrier, embankment or excavated earth structure used to retain water for agricultural, domestic or commercial purposes.

***demolition*** means the damaging, defacing, destruction, pulling down or removal of a building or work, in whole or in part.

***detached dual occupancy*** means the erection of two free-standing dwellings or the erection of a second free-standing dwelling on a single allotment of land.

***dwelling*** means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

***dwelling-house*** means a building containing one, but not more than one, dwelling.

***educational establishment*** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

***environmentally integrated housing*** means development consisting of:

- (a) the subdivision of land, and
- (b) the erection of three or more dwellings of any type on the land so subdivided,

being development that incorporates and protects (normally as common or neighbourhood property) substantial environmentally significant or sensitive areas of that land, including natural drainage channels, important vegetative and topographic features, geotechnical hazard areas and the like.

***exhibition home*** means an unoccupied dwelling-house used for display purposes.

***existing holding*** means an allotment, portion or parcel of land as it was in existence at 6 May 1988.

***extractive industry*** means:

- (a) the winning of extractive material, or
- (b) an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on.

***extractive material*** means sand, gravel, clay, turf, soil, rock, stone or any similar substance.



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***filling of land*** means filling of land by raising the natural ground level through deposition of clean (uncontaminated) excavated natural, earthy material, such as topsoil, lime, clay or sand, above the natural or pre-existing ground level, in association with a land use for which consent has been granted, where the landfill deposited exceeds one metre in depth or a total area of 100m<sup>2</sup>, but does not include top dressing to an average depth of 50mm or less.

***firewood establishment*** means a building or place used for the sale of firewood (or for the splitting of firewood, if firewood is sold from the building or place).

***forestry*** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation (otherwise than in a sawmill) of wood and other forest products and the establishment of roads required for the removal of wood and forest products or for forest protection.

***generating works*** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

***gross floor area*** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls measured at a height of 1,400 millimetres above each floor level, but does not include:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, or
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, or
- (c) car-parking needed to meet any requirements of the Council and any internal access thereto, or
- (d) space for the loading and unloading of goods.

***guest house*** means a building or place (not being licensed to sell liquor), where accommodation, together with meals and laundry facilities, is provided, but only to residents of the guest house.

***health care premises*** means a room or a number of rooms forming either the whole or part of, or attached to or within the curtilage of, an existing dwelling-house comprised of not more than 3 practice rooms to be used only by legally qualified:

- (a) medical practitioners, or dentists within the meaning of the *Dentists Act 1989*, or
- (b) health care professionals,

who practise therein the profession of medicine, dentistry or health care, respectively, and used by not more than 3 such persons in total who employ a total of not more than 3 employees in connection with all of the practices at any one time.

***health care professional*** means a person who renders professional health services to members of the public, and is:

- (a) a registered podiatrist within the meaning of the *Podiatrists Act 1989*, or
- (b) a chiropractor or an osteopath, or a chiropractor and an osteopath, registered under the *Chiropractors and Osteopaths Act 1991*, or
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, or
- (d) an optometrist registered under the *Optometrists Act 1930*, or
- (e) any other person professionally registered, pursuant to an Act of Parliament, to dispense health care.

***height***, in relation to a building, means the greatest distance measured vertically from any point on the ceiling of the topmost floor of the building to the natural ground level immediately below that point.

***helipad*** means an area or place not open to public use which is set apart for the taking off and landing of helicopters.

***heliport*** means an area or place open to public use which is set apart for the taking off and landing of helicopters, and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

***Heritage Council*** means the Heritage Council of New South Wales constituted under the *Heritage Act 1977*.

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***heritage item*** means a building, work, relic or place described in Schedule 1.

***heritage significance*** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

***home activity*** means any activity or occupation (excluding health care) carried on for trade, sale or other gain in a building or a room or a number of rooms forming part of, or ancillary to, a dwelling where:

- (a) the activity or occupation does not occupy a total floor area of more than 50 square metres, and
- (b) the dwelling situated on the land is principally used as a domicile, and
- (c) the activity or occupation does not:
  - (i) interfere with the amenity of the locality by reason of pollution, or
  - (ii) involve exposure to view from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) involve the employment of persons other than residents of the dwelling, or
  - (v) involve the exhibition of any notice, advertisement or sign (other than a non-illuminated notice or sign, which would fit within a rectangular figure 1.2 metres in length and 0.6 metres in height, that is exhibited on that dwelling or land to indicate the names and occupations of the residents of the dwelling), or
  - (vi) result in a significant increase in traffic, and
- (d) the goods made or produced, as a result of the activity or occupation, are not displayed or sold from the property, and
- (e) a minimum of one off-street car parking space is provided per activity or occupation carried on if the property is in an urban area, and
- (f) there is a maximum of one such activity or occupation per dwelling.

**home business** means a business (excluding health care) carried out, or partly carried out, in a dwelling or within the site area of a dwelling, by the permanent residents of the dwelling, where:

- (a) the business involves employment of not more than one person, at any one time, in addition to the permanent residents, and
- (b) the business does not occupy a total floor area of more than 50m<sup>2</sup>, and
- (c) the business does not:
  - (i) interfere with the amenity of the locality by reason of pollution, or
  - (ii) involve exposure to view from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) involve the exhibition of any notice, advertisement or sign (other than a non-illuminated notice or sign, which would fit within a rectangular figure 1.2m in length and 0.6m in height, that is exhibited on that dwelling or land to indicate the names and occupations of the residents of the dwelling), or
  - (v) result in a significant increase in traffic, and
- (d) the goods made or produced in the building, room or rooms, as a result of the business are not displayed or sold from the property, and
- (e) there is a maximum of one home business per dwelling.

**home industry** means a industry (excluding health care premises) carried out in a building within the site area of a dwelling, by the permanent residents of the dwelling where:

- (a) the industry involves the employment of not more than 2 persons, at any one time, in addition to the permanent residents, and
- (b) the industry does not occupy a total floor area of more than 100m<sup>2</sup>, and

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- (c) the industry does not:
- (i) interfere with the amenity of the locality by reason of pollution, or
  - (ii) involve exposure to view from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) involve the exhibition of any notice, advertisement or sign (other than a non-illuminated notice or sign which would fit within a rectangular figure 1.2 metres in length and 0.6 metre in height) and exhibited on that dwelling or land to indicate the names and occupations of the residents of the dwelling, or
  - (v) result in a significant increase in traffic,
- (d) there is a maximum of one such business per property.

**hospital** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment and counselling) to people admitted as inpatients of the hospital, whether or not outpatients are also cared for or treated there.

**hotel** means any premises specified in a hotelier's licence granted under the *Liquor Act 1982*.

**industry** means any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*.

**institution** means:

- (a) a building used wholly or principally as a home or other establishment for developmentally disabled persons, or
- (b) a hospital within the meaning of the *Mental Health Act 1990*, or
- (c) a penal or reformatory establishment.

**intensive animal industry** means agricultural animal production where cattle, horses, goats, poultry or other livestock are held in buildings or in a confined area for feeding and, without limiting the generality of the above, may involve the use of:

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- (a) a beef cattle feedlot, or
- (b) a dairy farm, or
- (c) a horse training and boarding establishment, or
- (d) a piggery, including a free range piggery, or
- (e) a poultry farm, including a free range poultry farm, or
- (f) a worm farm, or
- (g) a building or place used for fish farming (which may consist of or include farming crustaceans),

but does not include use of a building or place for keeping livestock intended solely for personal consumption or enjoyment by the owner or occupier of the building or place.

***intensive horticulture establishment*** means a place used for horticulture production at which plants or fungi are grown using an intensive agricultural system, such as hydroponics, housing, a climate control system, a crop protection system or equipment and, without limiting the generality of the above:

- (a) may consist of or include a shed, greenhouse or poly housing, and
- (b) may involve automated heating, irrigation or sprinkler systems, or the use of shade cloth, hail netting or animal scaring devices,

but does not include a place used to grow produce for personal household consumption or enjoyment.

***landscape supply establishment*** means a building or place used for both the storage and sale of a range of materials used for landscaping purposes.

***leisure facility*** means a building or place used as a health farm, religious retreat house, rest home, youth camp or the like, but does not include a building or place elsewhere specifically defined in this clause.

***light industry*** means an industry, not being an offensive or hazardous industry or home industry, in which the processes carried on, the transportation involved or the machinery or materials used do not significantly adversely affect the environment or the amenity of the neighbourhood.

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***liquid fuel depot*** means a depot or place used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution.

***medical practitioners' surgery*** means a building or place used by not more than three legally qualified medical practitioners who may employ ancillary staff at the building or place in connection with their practice.

***medium density housing*** means 3 or more dwellings where each dwelling has access to private open space for the exclusive use of its occupants, and may take the form of villas, terraces, town-houses or cluster housing and the like.

***mine*** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method, and includes any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

***motel*** means a building or buildings used for the short term accommodation of travellers, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

***motor showroom*** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not accessories for motor vehicles, caravans or boats are sold or displayed there.

***motor vehicle servicing*** means a building or place used for the servicing, repair or maintenance of motor vehicles, and includes a place used for tyre servicing, muffler repairs, auto electrical repairs and the like.

***offensive or hazardous industry*** means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

***place of assembly*** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open air theatre, drive-in theatre, music bowl, dance party venue, or any other building or place of a like character used as such and whether used for the purposes of gain or not, but does not include a building or place elsewhere specifically defined in this clause.

***place of worship*** means a place used for the purposes of public religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

***plant and building equipment hire*** means a building or place where plant and equipment are stored, displayed and hired out or leased to persons for intermittent use, but does not include premises used for the purposes of hiring home entertainment equipment, such as stereo sound systems, televisions, video cassette recorders, video tapes and the like.

***prescribed materials***, in relation to a site, means materials of low reflective quality that blend with the landscape of the site and its surroundings.

***public building*** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, the Council or an organisation established for public purposes.

***public utility undertaking*** means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings, or
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewage or drainage services,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, Government department, corporation, firm or authority carrying on the undertaking.



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***reception establishment*** means a building or place used for the purpose of wedding receptions, birthday parties and the like, where admission is by private invitation, but does not include a use elsewhere specifically defined in this clause.

***recreation area*** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) the Council, or
  - (ii) a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

***recreation facility*** means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere specifically defined in this clause.

***relic*** means any deposit, object or material evidence relating to the settlement (excluding Aboriginal habitation) of the local government area of Baulkham Hills which is 50 or more years old.

***research establishment*** means a laboratory or other place where scientific or technological development or research is carried out.

***restaurant*** means a building or place the principal purpose of which is the provision of food to people for consumption on the premises.

***restricted development area*** has the same meaning as in clause 33.

***retail plant nursery*** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are also sold there, but does not include a wholesale plant nursery.

**road** means a public thoroughfare used for the passage of vehicles, pedestrians or animals.

**road transport terminal** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**roadside stall** means a building or place (not exceeding 20 square metres in floor space or area, respectively) where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

**rural industry** means handling, treating, processing or packing of primary products, and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

**rural worker's dwelling** means a dwelling-house which is situated on land on which there is already erected a dwelling-house and which is occupied by a person who is engaged in the use of the land for the purposes of agriculture, aquaculture or horticulture.

**sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles and involving the sale by retail of petrol, oil and other petroleum products and the ancillary sale of a limited range of food items for the convenience of patrons, providing the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) the washing and greasing of motor vehicles,
- (c) the installation of accessories for motor vehicles,
- (d) the repairing and servicing of motor vehicles (other than repairing and servicing which involves body building, panel beating or spray painting).

**shop** means a building or place used for the purpose of selling, whether by retail or auction, or hiring of, or displaying for the purpose of the selling or hiring of, items (whether goods or materials), but does not include a building or place elsewhere specifically defined in this clause.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale, and includes a public cattle market.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network (such a network being a system, or series of systems, that carries or is capable of carrying communications by means of unguided electromagnetic energy), or
- (b) any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure or thing used, or intended for use, in or in connection with a telecommunications network,

but does not include:

- (c) facilities listed in the Schedule to the *Telecommunications (Low-impact Facilities) Determination 1997* of the Commonwealth, or
- (d) facilities used for an activity that a carrier may engage in despite a law of a State or Territory pursuant to the *Telecommunications Act 1997* of the Commonwealth.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the map** means the map marked “Baulkham Hills Local Environmental Plan 1991” as amended by the maps marked as follows:

Baulkham Hills Local Environmental Plan 1991 (Amendment No 1),

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Baulkham Hills Local Environmental Plan 1991 (Amendment No 87),

Baulkham Hills Local Environmental Plan 1991 (Amendment No 90),

Baulkham Hills Local Environmental Plan 1991 (Amendment No 94).

***tourist facility*** means an establishment providing facilities for holiday accommodation or recreation, and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, restaurant, water sport facilities or a club used in conjunction with any such activity.

***transport terminal*** means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

***tree*** means a perennial plant with a self-supporting woody stem which has a spread of more than 3 metres or a height of more than 5 metres.

***utility installation*** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom..

***veterinary establishment*** means a building or place used for the purpose of the medical or surgical treatment of animals.

***warehouse*** means a building or place used for the storage of goods, merchandise or materials, including those intended for sale and distribution to persons engaged in the retail trade.

***wholesale plant nursery*** means a building or place used for both the growing and wholesaling of plants.

**[2] Clause 5 (3)**

Insert after clause 5 (2):

- (3) Any explanatory notes to this plan are intended to assist the reader to understand this plan but do not form part of this plan.

**[3] Clause 7 Consent authority**

Insert “, subject to the Act” at the end of the clause.

**[4] Clause 9**

Omit the clause and the Table to the clause. Insert instead:

**9 Zone objectives and zoning controls**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “**Objectives of zone**” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, consent must not be granted for development unless the consent authority is satisfied that the development is consistent with one or more of the aims and objectives of this plan or one or more of the objectives of the zone within which it will be carried out.
- (3) The Table to this clause lists, for land within each zone:
  - (a) development that may be carried out without development consent, under the heading “**Development allowed without consent**”, and
  - (b) development that may be carried out only with development consent, under the heading “**Development allowed only with consent**”, and
  - (c) development that is prohibited, under the heading “**Prohibited development**”.
- (4) If exempt development is allowed to be carried out in a zone, the kinds of exempt development that may be carried out and the conditions subject to which it may be carried out are set out in clause 9A and Schedule 3A.
- (5) Development that may be carried out within a zone only with development consent, and is not carried out as complying development, is required to be advertised in accordance with clause 35 if it is listed in the Table to this clause as *advertised development* for the zone. However, it is not identified by this plan as “advertised development” for the purposes of section 79A of the Act.
- (6) Local development that may be carried out within a zone only with development consent is complying development for the zone if it is listed in the Table to this clause as *complying development* for the zone, subject to clause 9B.



- 
- (7) Development within a zone specified in the Table to this clause may also be affected by the provisions of this plan referred to under the heading “**Related special provisions**” appearing in the matter relating to the zone.
  - (8) The omission of a reference to a provision of this plan under the heading “**Related special provisions**” appearing in any such matter does not prevent that provision applying to land within that zone.

## Table

### Rural 1 (a) Zone

#### 1 Objectives of zone

The objectives are:

- (a) to ensure that existing or potentially productive agricultural land is not withdrawn prematurely from agricultural production, and
- (b) to ensure that development is carried out in a manner that minimises risks from natural hazards and does not unreasonably increase demand for public services and public facilities, and
- (c) to provide for urban support functions, and
- (d) to ensure that development of land within the zone does not hinder the proper and orderly development of any future urban lands.

#### 2 Development allowed without consent

Development for the purpose of the following:

agriculture (other than aquaculture or dams); bed and breakfast establishments; bushfire hazard reduction; home activities.

Exempt development.

### 3 Development allowed only with consent

Development for the purpose of the following:

advertising structures; agricultural products establishments; bushfire fighting establishments; cemeteries; child care centres; community facilities; dams; dwelling-houses; exhibition homes; health care premises; filling of land; firewood establishments; home businesses; home industries; intensive animal industries; intensive horticulture establishments; landscape supply establishments; leisure facilities; places of worship; poultry farming establishments; public buildings; recreation areas; recreation facilities; retail plant nurseries; roads; roadside stalls; rural industries (other than poultry processing); rural workers' dwellings; sheds; stables; stock and sale yards; tennis courts in association with a dwelling; utility installations (other than gas holders or generating works); veterinary establishments; wholesale plant nurseries.

Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

aquaculture; attached dual occupancies; clubs; educational establishments; hospitals, institutions; reception establishments; research establishments; telecommunications facilities.

Included in this item is the following *complying development*:

additions and alterations to an existing dwelling-house; erection of sheds between 50m<sup>2</sup> and 100m<sup>2</sup> in gross floor area.

### 4 Prohibited development

Any development not included in item 2 or 3.

## 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 12—Subdivision in Zones Nos 1 (a), 1 (b), 1 (c), 1 (d) and 7 (a)
- 14—Classified roads—special land use controls
- 15—Minor variations to zone boundaries
- 16—Development of flood liable land
- 17—Land subject to bushfire hazards
- 18–23—Conservation of heritage items
- 30—Preservation of trees
- 32—Advertising structures and advertisements

## Rural 1 (b) Zone

### 1 Objectives of zone

The objectives are:

- (a) to ensure that existing or potentially productive agricultural land is not withdrawn unnecessarily from agricultural production, and
- (b) to ensure that development is carried out in a manner that minimises risks from natural hazards and does not unreasonably increase demand for public services and public facilities, and
- (c) to provide for urban support functions, and
- (d) to protect and enhance those areas of particular scenic and environmental value, and
- (e) to maintain the rural character of the locality without adversely affecting the carrying out of agricultural activities, and
- (f) to make provision for tourist facilities in appropriate locations.

## 2 Development allowed without consent

Development for the purpose of the following:

agriculture (other than aquaculture or dams); bed and breakfast establishments; bushfire hazard reduction; home activities.

Exempt development.

## 3 Development allowed only with consent

Development for the purpose of the following:

advertising structures; agricultural products establishments; bushfire fighting establishments; cemeteries; child care centres; clubs; community facilities; convenience stores; dams; dwelling-houses; exhibition homes; firewood establishments; filling of land; health care premises; helipads; heliports; home businesses; home industries; intensive animal industries; intensive horticulture establishments; landscape supply establishments; leisure facilities; pig keeping establishments; places of worship; poultry farming establishments; public buildings; recreation areas; recreation facilities; restaurants; retail plant nurseries; roads; roadside stalls; rural industries; rural workers' dwellings; sawmills; sheds; stables; stock and sale yards; tennis courts in association with a dwelling; utility installations (other than gas holders or generating works); veterinary establishments; wholesale plant nurseries.

Demolition of existing structures.

Development for the purpose of the following (which is ***advertised development***):

aquaculture; attached dual occupancies; caravan parks; educational establishments; extractive industries or industries directly associated with, or dependent upon, extractive industries; guest houses; hospitals; institutions; liquid fuel depots; motels; reception establishments; research establishments; service stations; telecommunications facilities; tourist facilities.

Included in this item is the following *complying development*:

additions and alterations related to an existing dwelling-house; erection of sheds between 50m<sup>2</sup> and 100m<sup>2</sup> in gross floor area.

**4 Prohibited development**

Any development not included in item 2 or 3.

**5 Related special provisions**

- Clause    10—Subdivision generally  
             11—Services  
             12—Subdivision in Zones Nos 1 (a), 1 (b),  
             1 (c), 1 (d) and 7 (a)  
             13—Development near the Hawkesbury  
             River  
             14—Classified roads—special land use  
             controls  
             15—Minor variations to zone boundaries  
             16—Development of flood liable land  
             17—Land subject to bushfire hazards  
             18–23—Conservation of heritage items  
             30—Preservation of trees  
             32—Advertising structures and  
             advertisements  
             33—Restricted development areas  
             34—Extractive industries

## **Rural 1 (c) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to accommodate rural-residential development that is sympathetic with the environment and minimises risks from natural hazards, and
- (b) to provide for a range of activities which are compatible with the rural residential character of the locality, and
- (c) to ensure that development in the area does not unreasonably increase demand for public services and public facilities, and
- (d) to encourage the preservation of suitable areas for open space purposes.

### **2 Development allowed without consent**

Development for the purpose of the following:

agriculture (other than aquaculture or dams); bed and breakfast establishments; bushfire hazard reduction; home activities.

Exempt development.

### **3 Development allowed only with consent**

Development for the purpose of the following:

advertising structures; bushfire fighting establishments; cemeteries; child care centres; community facilities; dams; dwelling-houses; exhibition homes; filling of land; health care premises; home businesses; home industries; intensive animal establishments; intensive horticulture establishments; landscape supply establishments; leisure facilities; places of worship; public buildings; recreation areas; recreation facilities; retail plant nurseries; roads; roadside stalls; rural industries (other than poultry processing); rural workers' dwellings; sheds; stables; tennis courts in

association with a dwelling; utility installations (other than gas holders or generating works); veterinary establishments; wholesale plant nurseries.

Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

aquaculture; attached dual occupancies; clubs; educational establishments; hospitals; restaurants; research establishments; telecommunications facilities.

Included in this item is the following *complying development*:

additions and alterations related to an existing dwelling-house; erection of sheds between 50m<sup>2</sup> and 100m<sup>2</sup> in gross floor area.

#### 4 Prohibited development

Any development not included in item 2 or 3.

#### 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 12—Subdivision in Zones Nos 1 (a), 1 (b), 1 (c), 1 (d) and 7 (a)
- 14—Classified roads—special land use controls
- 15—Minor variations to zone boundaries
- 16—Development of flood liable land
- 17—Land subject to bushfire hazards
- 18–23—Conservation of heritage items
- 30—Preservation of trees
- 32—Advertising structures and advertisements

## **Rural 1 (d) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to accommodate rural-residential development that is sympathetic with the environment and minimises risks from natural hazards, and
- (b) to ensure that development is compatible with the rural residential character of the locality, and
- (c) to preserve environmentally sensitive locations, natural areas and the scenic quality of the area, and
- (d) to ensure that development in the area does not unreasonably increase demand for public services and public facilities, and
- (e) to facilitate the creation of a range of lot sizes to provide variety and choice for housing compatible with the environmental quality and rural character of the locality and the protection of development from the hazards of bushfires.

### **2 Development allowed without consent**

Development for the purpose of the following:

bed and breakfast establishments; bushfire hazard reduction; home activities.

Exempt development.

### **3 Development allowed only with consent**

Development for the purpose of the following:

advertising structures; agriculture (other than aquaculture); bushfire fighting establishments; child care centres; community facilities; dams; dwelling-houses; filling of land; home businesses; home industries; places of worship; recreation areas; recreation facilities; roads; roadside stalls; sheds; stables; tennis courts in association with a dwelling; utility installations (other than gas holders or generating works); veterinary establishments.



Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

attached dual occupancies; educational establishments; research establishments; telecommunications facilities.

Included in this item is the following complying development:

additions and alterations related to an existing dwelling-house; erection of sheds between 50m<sup>2</sup> and 100m<sup>2</sup> in gross floor area.

#### **4 Prohibited development**

Any development not included in item 2 or 3.

#### **5 Related special provisions**

- |        |  |
|--------|--|
| Clause | 10—Subdivision generally   |
|        | 11—Services  |
|        | 12—Subdivision in Zones Nos 1 (a), 1 (b), 1 (c), 1 (d) and 7 (a) |
|        | 15—Minor variations to zone boundaries                           |
|        | 17—Land subject to bushfire hazards                              |
|        | 18–23—Conservation of heritage items                             |
|        | 30—Preservation of trees   |
|        | 32—Advertising structures and advertisements                     |

### **Residential 2 (a) Zone**

#### **1 Objectives of zone**

The objectives are:

- (a) to make general provision for land to be used for the purposes of housing and associated facilities, and

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Schedule 1

Amendments

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- (b) to provide for development for medium-density housing forms (including town houses, villas, cluster housing, semi-detached housing and the like) in locations close to the main activity centres of the area of Baulkham Hills, and
- (c) to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and
- (d) to allow a range of development, ancillary to residential uses, which:
  - (i) is capable of visual integration with the surrounding environment, and
  - (ii) serves the needs of the surrounding population without conflicting with the residential intent of the zone, and
  - (iii) does not place demands on services beyond the level reasonably required for residential use.

### 2 Development allowed without consent

Development for the purpose of the following:  
home activities.  
Exempt development.

### 3 Development allowed only with consent

Development for the purpose of the following (which is *advertised development*):

apartment buildings; attached dual occupancies; convenience stores; detached dual occupancies; environmentally integrated housing; medium density housing; telecommunications facilities.

Any other development not included in item 2 or 4.

Included in this item is the following *complying development*:

additions and alterations related to an existing dwelling-house, being an addition to the ground floor only, with not more than 1 metre cut or 0.6 metre fill; erection of single storey dwelling-houses with not more than 1 metre cut or 0.6 metre fill.

#### 4 Prohibited development

Development for the purpose of the following:

bed and breakfast establishments; home industries; land uses specified in Schedule 2; places of assembly.

#### 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 15—Minor variations to zone boundaries
- 17—Land subject to bushfire hazards
- 18–23—Conservation of heritage items
- 30—Preservation of trees
- 33—Restricted development areas

### Residential 2 (b) Zone

#### 1 Objectives of zone

The objectives are:

- (a) to make general provision for land to be used for the purposes of housing and associated facilities, and
- (b) to identify residential areas of a predominantly single dwelling character, and to maintain that character, and
- (c) to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and

- (d) to allow a range of development, ancillary to residential uses, which:
  - (i) is visually integrated with development carried out on the land and in the surrounding area, and
  - (ii) serves the needs of the surrounding population without conflicting with the residential intent of the zone, and
  - (iii) does not place excessive demand on services.

## **2 Development allowed without consent**

Development for the purpose of the following:

home activities.

Exempt development.

## **3 Development allowed only with consent**

Development for the purpose of the following (which is *advertised development*):

attached dual occupancies; convenience stores;  
detached dual occupancies; telecommunications  
facilities.

Any other development not included in item 2 or 4.

Included in this item is the following *complying development*:

additions and alterations related to an existing dwelling-house, being an addition to the ground floor only, with not more than 1 metre cut or 0.6 metre fill;  
erection of single storey dwelling-houses with not more than 1 metre cut or 0.6 metre fill.

## **4 Prohibited development**

Development for the purpose of the following:

apartment buildings; bed and breakfast establishments;  
environmentally integrated housing; home industries;  
medium density housing; land uses specified in  
Schedule 2; places of assembly.

## 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 15—Minor variations to zone boundaries
- 17—Land subject to bushfire hazards
- 18–23—Conservation of heritage items
- 30—Preservation of trees
- 33—Restricted development areas

## Residential 2 (c) (Tourist Village) Zone

### 1 Objectives of zone

The objectives are:

- (a) to make general provision for land to be used for the purposes of housing, and
- (b) to provide for a range of uses serving the needs of the residents and complementary to the scale of neighbouring land uses, and
- (c) to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and
- (d) to allow a range of development, ancillary to residential uses, which:
  - (i) is capable of visual integration with the surrounding environment, and
  - (ii) serves the needs of the surrounding population without conflicting with the residential intent of the zone, and
  - (iii) does not place excessive demands on services, and
- (e) to provide for tourist orientated activities that are appropriately located in the village setting.

## **2 Development allowed without consent**

Development for the purpose of the following:  
bed and breakfast establishments; home activities.  
Exempt development.

## **3 Development allowed only with consent**

Development for the purpose of the following:  
additions or alterations to existing dwellings;  
advertising structures; agriculture (other than  
aquaculture or dams); bushfire hazard reduction;  
bushfire fighting establishments; bus stations;  
cemeteries; child care centres; commercial premises;  
community facilities; convenience stores;  
dwelling-houses; educational establishments; filling of  
land; health care premises; home businesses; places of  
worship; public buildings; recreation areas; recreation  
facilities; research establishments; restaurants; retail  
plant nurseries; roads; service stations; shops; tennis  
courts in association with a dwelling; utility installations  
(other than gas holders or generating works); veterinary  
establishments.

Demolition of existing structures.

Strata subdivision of buildings consented to or  
approved by the Council.

Development for the purpose of the following (which is  
***advertised development***):

apartment buildings; attached dual occupancies; car  
repair stations; caravan parks; clubs; detached dual  
occupancies; environmentally integrated housing; guest  
houses; hospitals; hotels; medium density housing;  
motels; reception establishments; telecommunications  
facilities; tourist facilities.

Included in this item is the following ***complying  
development***:

additions and alterations related to an existing  
dwelling-house, being an addition to the ground floor  
only, with not more than 1 metre cut or 0.6 metre fill

(that do not increase the number of the storeys in the dwelling); erection of single storey dwelling-houses with not more than 1 metre cut or 0.6 metre fill.

#### **4 Prohibited development**

Any development not included in item 2 or 3.

#### **5 Related special provisions**

- |        |  |
|--------|--|
| Clause | 10—Subdivision generally               |
|        | 11—Services                            |
|        | 15—Minor variations to zone boundaries |
|        | 16—Development of flood liable land    |
|        | 17—Land subject to bushfire hazards    |
|        | 18–23—Conservation of heritage items   |
|        | 30—Preservation of trees               |
|        | 33—Restricted development areas        |

### **Residential 2 (d) (Protected) Zone**

#### **1 Objectives of zone**

The objectives are:

- (a) to provide for the residential development of land within the zone having regard to the special development constraints of that land, and
- (b) to provide for the preservation of the vegetative, landscape, drainage, scenic and environmental qualities of the land within the zone, and
- (c) to make provision for the carrying out of necessary environmental protection works to support residential development of the land within the zone.

**2 Development allowed without consent**

Development for the purpose of the following:  
home activities.  
Exempt development.

**3 Development allowed only with consent**

Development for the purpose of the following:  
additions and alterations related to an existing dwelling;  
advertising structures; bushfire fighting establishments;  
bushfire hazard reduction; child care centres;  
community facilities; dwelling-houses; exhibition  
homes; filling of land; home businesses; roads; tennis  
courts in association with a dwelling; utility installations  
(other than gas holders or generating works).  
Demolition of existing structures.  
Development for the purpose of the following (which is  
*advertised development*):  
attached dual occupancies; environmentally integrated  
housing; telecommunications facilities.  
Included in this item is the following *complying  
development*:  
additions and alterations related to an existing  
dwelling-house, being an addition to the ground floor  
only, with not more than 1 metre cut or 0.6 metre fill.

**4 Prohibited development**

Any development not included in item 2 or 3.

**5 Related special provisions**

Clause 10—Subdivision generally  
11—Services  
15—Minor variations to zone boundaries  
17—Land subject to bushfire hazards  
18–23—Conservation of heritage items



30—Preservation of trees

33—Restricted development areas

## **General Business 3 (a) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to encourage appropriate development for accommodating the retail, commercial and social needs of the community, and
- (b) to encourage the development and expansion of business activities which will contribute to the economic growth of, and the creation of, employment opportunities within the area of Baulkham Hills, and
- (c) to encourage a wide range of retail, commercial and entertainment facilities in the major business centres of that area, and
- (d) to accommodate the establishment of retail, commercial and professional services for local residents in conveniently located centres within the residential precincts where the scale and type of business development is compatible with the amenity of the surrounding areas, and
- (e) to provide for limited residential development in conjunction with retail, commercial and professional services.

### **2 Development allowed without consent**

Development for the purpose of the following:

home activities.

Exempt development.

### 3 Development allowed only with consent

Development for the purpose of the following (which is *advertised development*):

apartment buildings; hotels; medium density housing; motels; telecommunications facilities.

Any other development not included in item 2 or 4.

Included in this item is the following *complying development*:

different shop use resulting from change of use of a shop; different commercial premises use resulting from change of use of commercial premises; internal alterations related to existing commercial premises; internal alterations related to an existing shop.

### 4 Prohibited development

Development for the purpose of the following:

airline terminals; amusement parks; attached dual occupancies; bus depots; caravan parks; detached dual occupancies; dwelling-houses; exhibition homes; extractive industries; gas holders; generating works; helipads; heliports; home industries; industries; institutions; junk yards; liquid fuel depots; mines; offensive or hazardous industries; roadside stalls; road transport terminals; sawmills; stock and sale yards; waste disposal.

### 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 15—Minor variations to zone boundaries
- 18–23—Conservation of heritage items
- 30—Preservation of trees

## **Special Business 3 (b) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to support general retail and commercial development of land within Zone No 3 (a) in identified centres by providing land for commercial office development and employment in close proximity to the centres, and
- (b) to support general retail and commercial development of land within Zone No 3 (a) in identified centres by providing land for uses which service the needs of activities carried on in those centres, and
- (c) to provide for commercial development complementary to other development within the area, and
- (d) to facilitate a range of business and commercial development using and developing advanced technology products and processes, and
- (e) to provide additional land adjacent to existing commercial centres where a mix of professional, commercial and residential uses can be carried out, and
- (f) to provide a buffer between land within Zone No 3 (a) and adjacent residential areas.

### **2 Development allowed without consent**

Development for the purpose of the following:

home activities.

Exempt development.

### 3 Development allowed only with consent

Development for the purpose of the following (which is *advertised development*):

apartment buildings; clubs; medium density housing; telecommunications facilities.

Any other development not included in item 2 or 4.

Included in this item is the following *complying development*:

different commercial premises use resulting from a change of use of commercial premises; internal alterations related to existing commercial premises.

### 4 Prohibited development

Development for the purpose of the following:

airline terminals; amusement parks; attached dual occupancies; bulky goods retailing; bus depots; bus stations; car repair stations; caravan parks; detached dual occupancies; dwelling-houses; extractive industries; generating works; helipads; heliports; home industries; hotels; industries (other than home activities); institutions; junk yards; liquid fuel depots; mines; motor vehicle servicing; offensive or hazardous industries; road transport terminals; roadside stalls; sawmills; shops; stock and sale yards; warehouses; waste disposal.

### 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 15—Minor variations to zone boundaries
- 18–23—Conservation of heritage items
- 30—Preservation of trees

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## **Light Industry 4 (b) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to encourage activity that will contribute to the economic and employment growth in the area of Baulkham Hills, and
- (b) to allow a wide range of industrial, warehousing and manufacturing activities requiring a range of floor areas, together with ancillary uses, the opportunity to locate within that area, and
- (c) to provide for associated uses to service the convenience needs of the local workforce, and
- (d) to encourage a high standard of industrial development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and
- (e) to protect the viability of commercial centres by enabling development for the purpose of commercial offices only where it is associated with and ancillary to industrial, manufacturing, warehousing or like land uses on the same land, and
- (f) to permit generally large-scale retail and display activities which require extensive site areas, which generate a low return per unit of floor area or which require a relatively free-standing location to facilitate the loading and unloading of goods, provided that such activities cannot appropriately be located in, or would not adversely affect the viability of services offered in Zone No 3 (a), and
- (g) to encourage innovative and imaginative design with particular emphasis on the integration of buildings and landscaped areas.

**2 Development allowed without consent**

Development for the purpose of the following:  
home activities.  
Exempt development.

**3 Development allowed only with consent**

Development for the purpose of the following (which is *advertised development*):

bulky goods retailing; educational establishments;  
hotels; motels; telecommunications facilities; waste disposal.

Any other development not included in item 2 or 4.

Included in this item is the following *complying development*:

different use of an industrial unit resulting from a change of one industrial use to another involving less than 500m<sup>2</sup> in gross floor area; internal alterations related to an existing industrial unit or industrial building (except where gross floor area is increased).

**4 Prohibited development**

Development for the purpose of the following:

airline terminals; amusement parks; apartment buildings; attached dual occupancies; caravan parks; commercial premises (other than banks, timber yards and those associated with industries); detached dual occupancies; dwellings (other than those ancillary to industry and situated on land on which such industry is conducted); dwelling-houses; exhibition homes; extractive industries; guest houses; health care premises; hospitals; industries (other than light industries); institutions; junk yards; liquid fuel depots; medium density housing; mines; offensive or hazardous industries; places of assembly; public buildings (other than motor registries); reception establishments; retail

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plant nurseries; road transport terminals; roadside stalls; sawmills; shops (other than those listed in Schedule 3); stock and sale yards; tourist facilities.

## **5 Related special provisions**

- Clause    10—Subdivision generally  
             11—Services  
             15—Minor variations to zone boundaries  
             18–23—Conservation of heritage items  
             30—Preservation of trees

## **Special Uses 5 (a) (Existing and Proposed) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to identify land to be or currently used by public authorities, private organisations and the Council to provide urban support facilities and services, and
- (b) to identify land reserved for future acquisition by the Council for a range of community facilities and services, and
- (c) to identify land which has been reserved at the request of public authorities for their future acquisition to provide a range of urban support facilities and services, and
- (d) to identify land which has been acquired by private organisations to provide a range of urban support facilities and services (such as educational establishments), and
- (e) to permit land that is not immediately required for Special Use purposes to be used for purposes permissible in adjoining zones where that use is compatible with the existing use or likely future use of the land.

**2 Development allowed without consent**

Exempt development.

**3 Development allowed only with consent**

Development for the purpose of the following:

- (a) in relation to land set aside for a particular land use (as indicated by black lettering on the map) other than railways:

the particular land use for which the land has been set aside; bushfire hazard reduction; community facilities; open space; public buildings; recreation areas; roads; utility installations (other than gas holders or generating works); any other land uses normally associated with and ancillary to the particular use for which the land has been set aside, or

- (b) in relation to land set aside for use for railways (as indicated by the word “Railways” on the map):

railways; open space; roads; utility installations; any other land uses normally associated with and ancillary to railways.

Development for the purpose of the following (which is *advertised development*):

any land use specified in item 3 of the matter in this Table relating to any other zone in which land adjacent to the land concerned is situated; telecommunications facilities.

**4 Prohibited development**

Any development not included in item 2 or 3.

**5 Related special provisions**

Clause 10—Subdivision generally

11—Services

15—Minor variations to zone boundaries



18–23—Conservation of heritage items

25—Acquisition of certain land

25A—Acquisition and development of land reserved for public transport corridor

25B—Development along public transport corridors

26A—Acquisition and development of land reserved for community facilities and local open space

30—Preservation of trees

### **Special Uses 5 (b) (Existing and Proposed Roads) Zone**

#### **1 Objectives of zone**

The objective is to identify land required for existing or proposed roads (including the widening of existing roads) and to provide for the acquisition of this land.

#### **2 Development allowed without consent**

Nil.

#### **3 Development allowed only with consent**

Development for the purpose of the following:

bushfire hazard reduction; roads; utility installations (other than gas holders or generating works).

Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

telecommunications facilities.

#### **4 Prohibited development**

Any development not included in item 2 or 3.

## **5 Related special provisions**

- Clause    10—Subdivision generally  
             18–23—Conservation of heritage items  
             25—Acquisition of certain land  
             26—Acquisition and development of land reserved for roads  
             30—Preservation of trees

## **Open Space 6 (a) (Existing and Proposed Public Recreation) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to ensure there is provision of adequate open space areas to meet the existing and future needs of residents and to provide opportunities to enhance the environmental quality of the area of Baulkham Hills, and
- (b) to identify land which is now owned, or proposed to be owned, by the Council and to provide for the acquisition or dedication of this land for open space or public recreational purposes, and
- (c) to identify land which is owned by the Crown and is under the care, control and management of the Council as public open space, and
- (d) to protect and preserve areas of urban bushland which are considered valuable in terms of its natural heritage significance and recreational, educational, aesthetic and scientific value, and
- (e) to provide opportunities for recreation and tourist facilities development on publicly owned land.

**2 Development allowed without consent**

Development for the purpose of the following:

bushfire hazard reduction; open space; works and buildings involved in landscaping.

**3 Development allowed only with consent**

Development for the purpose of the following:

agriculture (other than aquaculture or dams); bushfire fighting establishments; caravan parks; caretakers' dwellings; child care centres; community facilities; forestry; public buildings; public utility undertakings; recreation areas; recreation facilities; roads; utility installations (other than gas holders or generating works).

Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

restaurants; telecommunications facilities.

**4 Prohibited development**

Any development not included in item 2 or 3.

**5 Related special provisions**

- |        |  |
|--------|--|
| Clause | 10—Subdivision generally   |
|        | 15—Minor variations to zone boundaries   |
|        | 18–23—Conservation of heritage items   |
|        | 26A—Acquisition and development of land reserved for community facilities and local open space |
|        | 27—Development in Zone No 6 (a)  |
|        | 30—Preservation of trees   |

## Open Space 6 (b) (Private Recreation) Zone

### 1 Objectives of zone

The objective is to identify land where private recreation facilities are located or may be developed.

### 2 Development allowed without consent

Development for the purpose of the following:

bushfire hazard reduction; works for the purposes of landscaping.

Exempt development.

### 3 Development allowed only with consent

Development for the purpose of the following:

advertising structures; agriculture; bushfire fighting establishments; child care centres; community facilities; forestry; leisure facilities; open space; public buildings; recreation areas; recreation facilities; roads; utility installations (other than gas holders or generating works).

Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

clubs associated with recreation facilities; restaurants; telecommunications facilities; tourist facilities.

### 4 Prohibited development

Any development not included in item 2 or 3.

### 5 Related special provisions

Clause 10—Subdivision generally

11—Services

15—Minor variations to zone boundaries

17—Land subject to bushfire hazards

18–23—Conservation of heritage items

30—Preservation of trees

33—Restricted development areas

## **Environmental Protection 7 (a) (Wetlands) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to conserve the ecological, scenic and environmental attributes of wetland areas, and
- (b) to allow development only where it is unlikely to have a significant detrimental effect on wetlands.

### **2 Development allowed without consent**

Nil.

### **3 Development allowed only with consent**

Development for the purpose of the following:

additions or alterations related to existing dwellings; agriculture (other aquaculture or dams); bushfire hazard reduction; dwelling-houses; open space.

Demolition of existing structures.

Development for the purpose of the following (which is *advertised development*):

telecommunications facilities.

### **4 Prohibited development**

Any development not included in item 2 or 3.

### **5 Related special provisions**

Clause 10—Subdivision generally

11—Services

12—Subdivision in Zones Nos 1 (a), 1 (b), 1 (c), 1 (d) and 7 (a)

13—Development near the Hawkesbury River

15—Minor variations to zone boundaries

16—Development of flood liable land

17—Land subject to bushfire hazards

18–23—Conservation of heritage items

30—Preservation of trees

31—Restrictions on access

### **National Parks and Nature Reserves 8 (a) Zone**

#### **1 Objectives of zone**

The objective is to identify land within a national park, nature reserve, historic site, Aboriginal area or State recreation area within the meaning of the *National Parks and Wildlife Act 1974*.

#### **2 Development allowed without consent**

Any development authorised by or under the *National Parks and Wildlife Act 1974* or ancillary or incidental to any such development.

#### **3 Development allowed only with consent**

Development for the purpose of the following:  
restaurants; utility installations.

Development for the purpose of the following (which is *advertised development*):  
telecommunications facilities.

#### **4 Prohibited development**

Any development not included in item 2 or 3.

#### **5 Related special provisions**

Nil.

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## **Employment Area 10 (a) (Business Park) Zone**

### **1 Objectives of zone**

The objectives are:

- (a) to provide for new industrial, business and office development which will contribute to the economic and social growth of the local government area of Baulkham Hills, and
- (b) to provide for the special requirements of industry and business, particularly in the areas of advanced technology and communications, and to cater for the varying needs of employment activities, and
- (c) to encourage the development of a new industrial business and office employment area in a location highly accessible to employees, and
- (d) to make special provision for industries using and developing advanced technology products and processes, and
- (e) to provide facilities for business and industry by allowing development of a range of ancillary commercial, recreational and community facilities and other development activities serving the needs of the business park workforce, and
- (f) to create a park-like environment emphasising the integration of all structures and landscaped areas.

### **2 Development allowed without consent**

Exempt development.

### **3 Development allowed only with consent**

Development for the purpose of the following (which is *advertised development*):

bulky goods retailing; recreation facilities; telecommunications facilities.

Any other development not included in item 2 or 4.

Included in this item is the following *complying development*:

different commercial premises use resulting from a change of use of commercial premises; different use of an industrial unit resulting from a change of one industrial use to another involving less than 500m<sup>2</sup> in gross floor area.

#### 4 Prohibited development

Development for the purpose of the following:

amusement parks; apartment buildings; attached dual occupancies; bus depots; caravan parks; detached dual occupancies; dwellings (other than those ancillary to industry and situated on land on which such industry is conducted); dwelling-houses; exhibition homes; forestry; generating works; home activities; home businesses; home industries; industries (other than light industries); institutions; junk yards; liquid fuel depots; medium density housing; mines; offensive or hazardous industries; places of assembly; road transport terminals; roadside stalls; shops; stock and sale yards; waste disposal.

#### 5 Related special provisions

- Clause 10—Subdivision generally
- 11—Services
- 15—Minor variations to zone boundaries
- 18–23—Conservation of heritage items
- 30—Preservation of trees



**[5] Clauses 9A and 9B**

Insert before clause 10:

**9A Exempt development**

- (1) Development listed in Schedule 3A is *exempt development*, but only if:
  - (a) it complies with the requirements for exemption set out for the development in that Schedule, and
  - (b) it is carried out in a zone in which exempt development is specifically allowed by the Table to clause 9, and
  - (c) it meets the other requirements for exempt development made by the Act and this clause.

**Note.** The Act says development may be exempt development only if it is of minimal environmental impact and can not be exempt development if it is carried out on land:

- (a) that is critical habitat under the *Threatened Species Conservation Act 1995*, or
  - (b) that is within a wilderness area within the meaning of the *Wilderness Act 1987*.
- (2) Development is not exempt development if it is carried out on any of the following land:
  - (a) land that is subject to an interim heritage order or a State Heritage Register listing,
  - (b) land that is, or is the site of, a heritage item for the purposes of this plan or that is a conservation area for those purposes,
  - (c) an Aboriginal place under the *National Parks and Wildlife Act 1974*,
  - (d) land zoned, or otherwise identified, under this or any other environmental planning instrument for the protection or preservation of habitat, plant communities or wetlands (but not land within Zone No 2 (d) under this plan),
  - (e) an aquatic reserve under the *Fisheries Management Act 1994*,

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- (f) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
  - (g) environmentally sensitive land, including riparian land, flood prone or flood liable land, any land with a gradient in excess of 20% and any land within 40 metres of a stream, river or watercourse,
  - (h) land within a restricted development area as identified in accordance with the provisions of this plan.
- (3) Exempt development must comply with the conditions of any development consent in force in respect of the land on which the development is to be carried out.

#### 9B Complying development

- (1) Development identified as complying development in the Table to clause 9, is ***complying development***, but only if:
- (a) it is local development (and, consequently, it is not State significant development), and
  - (b) it is not an existing use, as defined in section 106 of the Act,
  - (c) it is carried out in a zone for which it is identified as complying development by the Table to clause 9, and
  - (d) it complies with the development standards and other requirements applied to the development by the Council's four complying development control plans for residential, employment, business and rural development, respectively, as approved by the Council on 2 May 2000, and
  - (e) it meets the other requirements made for complying development by the Act and this clause.

**Note.** The Act says development may be complying development only if it is not designated development and it is not carried out on land:

- (a) that is critical habitat under the *Threatened Species Conservation Act 1995*, or
- (b) that is within a wilderness area within the meaning of the *Wilderness Act 1987*,

- 
- (c) that comprises, or on which there is, an item of environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
    - (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.
  - (2) Development is not complying development if it is carried out on any of the following land:
    - (a) land that is subject to an interim heritage order or a State Heritage Register listing,
    - (b) land that is, or is the site of, a heritage item for the purposes of this plan or that is a conservation area for those purposes,
    - (c) an Aboriginal place under the *National Parks and Wildlife Act 1974*,
    - (d) land zoned, or otherwise identified, under this or any other environmental planning instrument for the protection or preservation of habitat, plant communities or wetlands (but not land within Zone No 2 (d),
    - (e) an aquatic reserve under the *Fisheries Management Act 1994*,
    - (f) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
    - (g) environmentally sensitive land, including riparian land, flood prone or flood liable land, any land with a gradient in excess of 20% and any land within 40 metres of a stream, river or watercourse,
    - (h) land within a restricted development area as identified in accordance with the provisions of this plan.
  - (3) Complying development must comply with the conditions of any development consent in force in respect of the land on which the development is to be carried out.

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- (4) This clause is subject to any other inconsistent provision of this Part.

**Note.** A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the relevant development control plan setting those conditions, as in force when the certificate is issued.

### [6] Clause 35 Advertised development

Insert at the end of the section:

- (2) This section refers to provisions of the Act as in force on 30 June 1998.

### [7] Schedule 3A

Insert after Schedule 3:

## Schedule 3A Exempt development

(Clause 9A)

**Development consisting of erection and use or carrying out of the following:**

### Exemption requirements

#### ACCESS RAMPS FOR THE DISABLED

- Maximum height 1m (above ground level).
- Maximum grade 1:20.
- Structurally adequate construction.
- Compliance with any relevant provisions of the *Building Code of Australia*.

**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**ADVERTISING** (including the erection of a structure or the carrying out of a work)—a display of symbols, messages or other devices for promotion or for conveying information, instructions, directions of the like, whether or not the display includes the erection of a structure, or the carrying out of a work, which relates to the use of the building

The following requirements apply, subject to any specific requirements below:

- No moving or flashing sign or other device.
- No roof-top signs.
- No airborne signs or blimps.
- No A-frame boards or signs.
- Advertising structures over public roads to be set back at least 600mm from carriageway edge.
- The advertising must relate to the use of the building on (or on the land on) which it is displayed.
- Compliance with any relevant provisions of the *Building Code of Australia*, including Section B1 (“Structural Provisions”).

**1 Business identification signs where home occupations are allowed**

- One per premises.
- Signs not exceeding 0.75m<sup>2</sup> in area.
- Located wholly within the property boundaries.
- Shall not be illuminated.
- Maximum height of a freestanding sign above ground level is 1.2m.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**2 Real estate signs (advertising premises/ land for sale or rent) in areas zoned RESIDENTIAL or RURAL**

- One sign per premises or street frontage, whichever is the greater.
- Only until sale or leasing of the dwelling.
- Each sign not exceeding 2.5m<sup>2</sup> in area.
- Located wholly within the property boundary or attached to the existing boundary fence and not projecting more than 100mm from the fence.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**3 Advertisements within a site but not visible from a public place**

- Compliance with any relevant requirements of the *Building Code of Australia*.

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**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**4    A public notice displayed by a public body giving information or directions about the services provided**

- One sign per 20m of street frontage, per premises.
- Signs not exceeding 3.5m<sup>2</sup> in area.
- Located wholly within the property boundary or attached to the existing boundary fence and not projecting more than 100mm from the fence.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**5    Temporary signs for religious, cultural, political, social or recreational events**

- One per street frontage.
- Not exceeding 1.5m<sup>2</sup> in residential areas and 3.5m<sup>2</sup> in commercial and industrial areas.
- Located wholly within the property boundary.
- Does not include commercial advertising apart from name of event sponsor(s).
- Not displayed earlier than 28 days before event and must be removed within 14 days after the event.
- Construction by or for the Council.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**6    Street signs comprising name plates, directional signs and advance traffic warning signs**

- Compliance with any relevant requirements of the *Building Code of Australia*.

**AERIALS/ANTENNAE/  
MICROWAVE**

ANTENNAE (not including satellite dishes—dealt with as separate provision)

- For domestic use only.
- Structurally adequate construction.
- Maximum number of 3 aerials.
- Maximum height 6m.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**AIR CONDITIONING UNITS FOR DWELLINGS**  
(attached to external wall or ground mounted)

- Noise level not to exceed 5dBA above ambient background noise level measured at the property boundary.
- Building work must not reduce the structural integrity of the building.
- Any opening created is to be adequately weatherproofed.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**AWNINGS, CANOPIES AND STORM BLINDS ON DWELLINGS**

- Maximum area 20m<sup>2</sup>.
- Located wholly within property boundaries.
- Structurally adequate construction.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**BARBECUES**

- Maximum area of 2m<sup>2</sup>.
- Maximum chimney height of 2m above natural ground level.
- Located in rear yard area or, if behind a courtyard wall, with no greater than 200mm of the chimney above the wall.
- Structurally adequate construction.
- Not located adjoining a property boundary.
- Compliance with any relevant requirements of the *Building Code of Australia*.

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**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**BIRD AVIARIES**—an enclosure in which birds are kept for domestic purposes only

- Maximum area 10m<sup>2</sup> total cumulative area.
- Maximum height 2.1m above natural ground level.
- Non reflective materials.
- Located in rear yard and not closer than 500mm from an adjoining property boundary.
- Located a minimum 9m from any dwelling on an adjoining property.
- Structurally adequate construction.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**CABANAS/GAZEBOS AND GREEN HOUSES**

- Maximum area 10m<sup>2</sup>.
- Maximum height 2.4m.
- Not to be used for habitable purposes.
- Stormwater to be connected to existing stormwater system.
- Structurally adequate construction.
- Non reflective surface finishes.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**CLASSROOMS—PORTABLE**

- On land which a government or non-government school is situated.
- Height of portable classroom not exceeding 1 storey.
- Use of portable classroom for not more than 5 years after the date of its erection.
- Must comply with the minimum road frontage setbacks as required by any locality DCP applying to the subject land.
- Must be set back a minimum of 3 metres from a side or rear boundary, and 3 metres from any other building on the site.
- Compliance with any relevant requirements of the *Building Code of Australia*.



**Development consisting of erection and use or carrying out of the following:****Exemption requirements****CLOTHES HOISTS/LINES**

- Installed to manufacturer's specifications.

**DECKS** (unroofed and attached to dwellings that are not located in areas identified by Council as bushfire prone)

- Maximum area 10m<sup>2</sup>.
- Finished surface level to be not greater than 1m above existing ground level.
- Boundary setbacks for existing dwelling to be maintained.
- Structurally adequate construction.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**DEMOLITION**

- Where erection of the structure is exempt development under the provisions of this plan.
- Demolition must be carried out in accordance with Australian Standard *AS 2601-1991—The demolition of structures*.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**FENCES** (other than fences covered by the *Swimming Pools Act 1992*)

- All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**1 Boundary fences**

- (a) Side fences (between the building line and street or any other public place) and front fences.

- Maximum height 1m if constructed of timber, metal or lightweight materials.

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##### Development consisting of erection and use or carrying out of the following:

##### Exemption requirements

- |   |   |
|---|---|
| (b) Side fences (between the building line and the rear boundary) and rear boundary fences. | <ul style="list-style-type: none"><li>• Maximum height 1.8m if constructed of timber, metal or lightweight materials.</li></ul>   |
| 2 Masonry or Brick fences   | <ul style="list-style-type: none"><li>• Maximum height of 1m.</li></ul>   |
| 3 Security fences   | <ul style="list-style-type: none"><li>• Chain wire type fences around Council owned compounds and depots.</li></ul>   |
| 4 Rural zones—Electric fences, in areas zoned RURAL only                                    | <ul style="list-style-type: none"><li>• To be erected in accordance with <i>AS 3014–1991—Electrical installations—Electric fences</i>.</li></ul>  |
| FLAGPOLES in residential zones  | <ul style="list-style-type: none"><li>• Maximum height 6m above ground level.</li><li>• Must be structurally adequate.</li><li>• Installed to manufacturer's specifications.</li><li>• If flagpoles are to project over a public road they must comply with the <i>Local Government (Approvals) Regulation 1999</i>.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul>  |
| FLAGPOLES in commercial or industrial zones   | <ul style="list-style-type: none"><li>• Maximum height 9m above natural ground level.</li><li>• Approval needed for any corporate flags.</li><li>• Must be structurally adequate.</li><li>• Installed to manufacturer's specifications.</li><li>• If flagpoles are to project over a public road they must comply with the <i>Local Government (Approvals) Regulation 1999</i>.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul> |

**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**FOWL HOUSE** (for the keeping of chickens, hens and roosters), in areas zoned RURAL only

- Must comply with the standards contained in the *Local Government (Orders) Regulation 1999*.
- Maximum area of 50m<sup>2</sup>.
- Must be structurally adequate.
- Maximum height of 3m.
- Not more than one per property.
- Materials used must be non reflective.
- Adequate drainage must be provided.

**FUEL TANKS** used in conjunction with agricultural activities on properties in excess of 2 hectares in areas zoned RURAL

- Maximum size 5,000 litres.
- Constructed of prefabricated metal, freestanding and not relying on other structures for support.
- Erected in accordance with manufacturer's specification.
- Kept in accordance with *AS 1940-1993—The storage and handling of flammable and combustible liquids*, including requirements for bunding.
- Not to be erected within 20m of the street boundary or within 4m of the side or rear boundary.
- Wholly within the boundaries of the property and not to encroach on any registered easements.
- Clearance from power lines to be in accordance with relevant electricity authority requirements.
- Compliance with any relevant requirements of the *Building Code of Australia*.

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**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**GARDEN SHEDS**

- Free standing and prefabricated.
- Maximum floor area 10m<sup>2</sup> cumulative.
- Maximum height 2.1m.
- Must be located in the rear yard of premises.
- Non reflective materials.
- Installed to manufacturer's specifications.
- Structurally adequate construction.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**HORSE STABLES** (keeping up to 4 horses), and **ANIMAL SHELTERS** in areas zoned RURAL only)

- Must comply with the *Local Government (Orders) Regulation 1999*.
- Maximum size 50m<sup>2</sup> and maximum height 3.0m.
- Constructed of timber (cut or round) or metal.
- Any cladding to have a low reflective finish and be fixed in accordance with manufacturer's specification.
- Erected within the boundaries of the property and not within 20m of a road boundary or 4m from the side or rear boundaries.
- Not to encroach on any registered easement.
- Structurally adequate construction.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**LANDSCAPING**

- Landscaping works carried out in conjunction with other exempt development.

**Development consisting of erection and use or carrying out of the following:****Exemption requirements****LETTER BOX** (free standing or in “banks”)

- Maximum height of 1.2m above ground level.
- Sufficient boxes to provide one for each occupancy.
- Appropriate numbering for each box.
- Structurally stable with adequate footings.
- Located within property.

**MINOR ALTERATIONS****1 Residential premises**

(a) Internal

- Applies only to replacement of doors, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes.
- Applies only to alterations or renovations to previously completed buildings.
- Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.
- Compliance with any relevant requirements of the *Building Code of Australia*.

(b) External

- Being changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work, but does not include the enlargement or extension of the building or work.
- Compliance with any relevant requirements of the *Building Code of Australia*.

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**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

### **2    Commercial premises**

(a)    Internal

- Non structural work, such as shelving, displays, benches and partitions that do not provide structural support to any part of the building.
- Floor area not to exceed 20m<sup>2</sup>.
- Work must not compromise fire safety or affect accessibility to a fire exit.
- Work must not include changes to the configuration of rooms whether by removal of walls or other means of structural support.
- Food premises to comply with *A Guide to Food Safety Standards* (ANZFA 2001).
- Compliance with any relevant requirements of the *Building Code of Australia*.

(b)    External

- Being changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work, but does not include a reference to the enlargement or extension of the building or work.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**PATIO AT GROUND LEVEL** abutting a dwelling

- Stormwater from patio surface not to be redirected into adjoining property.
- Sufficient step down is to be provided to prevent the entry of water into the dwelling.
- Structurally adequate construction.

**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**PERGOLA**

- Maximum area 20m<sup>2</sup>
- Maximum height 2.4m.
- Must maintain boundary setbacks required for the associated dwelling with a minimum of 900mm from a boundary.
- Structurally adequate construction.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**PLAYGROUND EQUIPMENT** (excluding Cubby Houses see below)

(a) Residential Use

- Maximum height of 2.1m
- Maximum ground coverage of 10m<sup>2</sup>.
- Structure must be at least 1.2m away from a pool safety fence measured in accordance with *AS 1926.2-1995—Swimming pool safety—Location of fencing for private swimming pools*.
- Compliance with any relevant requirements of the *Building Code of Australia*.

(b) Non Residential Use

- Maximum height of 2.1m.
- Maximum ground coverage of 10m<sup>2</sup>.
- Adequate safety arrangements, including soft landing surfaces to be provided.
- Structure must be at least 1.2m away from a pool safety fence measured in accordance with *AS 1926.1-1993—Swimming pool safety—Fencing for swimming pools*.
- Compliance with any relevant requirements of the *Building Code of Australia*.

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### Development consisting of erection and use or carrying out of the following:

### Exemption requirements

#### Cubby Houses

- Must be installed in accordance with manufacturer's instructions and comply with any relevant Australian Standards (*AS 1924.1-1981—Playground equipment for parks, schools and domestic use—General requirements*, *AS 1924.2-1981—Playground equipment for parks, schools and domestic use—Design and construction—Safety aspects* (incorporating Amdt 1) and *AS/NZS 4486.1:1997—Playgrounds and playground equipment—Development, installation, inspection, maintenance and operation*).
- Structure must be at least 1.2m away from a pool safety fence measured in accordance with *AS 1926.2-1995—Swimming pool safety—Location of fencing for private swimming pools*.
- Maximum height of 2.1m.
- Maximum area 10m<sup>2</sup>.
- Installed to manufacturer's specification.
- Structurally adequate construction on a uniformly stable foundation.
- Compliance with any relevant requirements of the *Building Code of Australia*.

#### PRIVACY SCREENS

- Maximum height 2.4m.
- Maximum length 10m.
- Must be installed in rear yard.
- Construction of translucent materials.
- Structurally adequate construction.
- Must be free standing and not attached to boundary fence without adjoining owner's consent.
- Compliance with any relevant requirements of the *Building Code of Australia*.



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**Development consisting of erection and use or carrying out of the following:**

**RE-CLADDING OF ROOFS OR WALLS** or repair/maintenance of damaged materials

**Exemption requirements**

- Must only involve replacing existing materials with similar materials which are compatible with the existing building and finish.
- Re-cladding must not involve structural alterations or change to the external configuration of a building.
- Must comply with requirements of the WorkCover Authority relating to removal of lead paint and asbestos cement.
- Compliance with any relevant requirements of the *Building Code of Australia*.

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**Development consisting of erection and use or carrying out of the following:**

### **Exemption requirements**

#### **RETAINING WALLS**

- Maximum height 0.6m for retaining filling and maximum 1m for excavation.
- Masonry walls to comply with:
  - AS 3700-1998—Masonry structures* (including Amdts 1-1999 and 2-2000),
  - AS 3600-1994—Concrete structures* (including Amdt 1-1996),
  - AS 1170.1-1989—Minimum design loads on structures* (known as the *SAA Loading Code*)—*Dead and live loads and load combinations* (including Amdt 1-1993) and
  - AS 1170.2-1989—Minimum design loads on structures* (known as the *SAA Loading Code*)—*Wind loads* (including Amdts 1-1991, 2-1993 and 3-1993).
- Timber walls to comply with:
  - AS 1720.1-1997—Timber structures—Design methods* (including Amdts 1-1998, 2-2000 and 3-2001),
  - AS 1170.1-1989—Minimum design loads on structures* (known as the *SAA Loading Code*)—*Dead and live loads and load combinations* (including Amdt 1-1993) and
  - AS 1170.2-1989—Minimum design loads on structures* (known as the *SAA Loading Code*)—*Wind loads* (including Amdts 1-1991, 2-1993 and 3-1993).
- All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**SATELLITE DISHES**

**1 Residential**

- Mounted on the ground only.
- Maximum height of 2.4m above natural ground level.
- Maximum diameter 1m.
- One installation per dwelling.
- A minimum of 900mm from a property boundary.
- Situated no closer to the street than the associated dwelling.
- Building.
- One installation per dwelling.
- Located below the ridge of the dwelling.
- Structurally stable.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**2 Commercial**

(a) Ground Mounted

- Maximum height and diameter of 2.4m.
- Situated a minimum of 900mm from the boundary of the adjoining property, if residential.
- One installation per property.
- Structurally stable.
- Compliance with any relevant requirements of the *Building Code of Australia*.

(b) Roof Mounted

- Maximum diameter of 2.0m.
- To be located a minimum of 900mm off all property boundaries.
- One installation per building.
- Structurally stable.
- Freestanding 2.4m.
- Compliance with any relevant requirements of the *Building Code of Australia*.

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### Development consisting of erection and use or carrying out of the following:

**SHEDS** for or in conjunction with agricultural activities in areas zoned RURAL only

### Exemption requirements

- Land must be in Zone No 1 (a), 1 (b), 1 (c) or 1 (d).
- Maximum size 50m<sup>2</sup> cumulative and maximum height 5m.
- Structurally adequate construction.
- Constructed of non reflective materials and prefabricated metal.
- Roof water is not to discharge onto adjoining properties and is to be directed to a water tank or 3m clear of any structure.
- To be erected within the boundaries of the allotment and not within 20m of a boundary adjoining a road or within 10m of rear and side boundaries.
- Not to encroach into any registered easement.
- To be located clear of septic disposal area or other services.
- Not to be erected above the height of land ridge lines or within 20m of a dwelling on an adjoining property.
- Not a machinery or hay shed unrelated to the normal agricultural activities on the property.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**SKYLIGHT/ROOF WINDOWS**

- Maximum area of skylight not to exceed 2m<sup>2</sup>.
- Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings.
- The building work must not reduce the structural integrity of the building or involve structural alterations.
- Any opening created by the installation must be adequately weatherproofed.
- Installation must be to manufacturer's instructions.
- Compliance with any relevant provisions of the *Building Code of Australia*.

**SOLAR WATER HEATERS AND SOLAR PANELS**

- Installed to manufacturer's specifications and requirements.
- Installed by a licensed tradesperson.
- Associated building work must not reduce the structural integrity of the building or involve structural alterations.
- Any openings created by an installation must be adequately weatherproofed.
- Must not protrude above the ridge level.

**STOCKYARDS AND SHELTERS** in conjunction with normal agricultural activities on the property excluding commercial or intensive uses only in areas zoned RURAL

- Maximum yard area of 0.5 hectare.
- Maximum height of shelters 2.7m.
- Structurally adequate construction.
- Constructed of timber or metal.
- Not to be erected within 20m of the street boundary or within 4m of the side or ear boundary.
- Sited wholly within the boundaries of the property and not within 50m of a water course, a dwelling on an adjoining property or any registered easement.
- Must be used in association with normal agricultural activities on the property.
- Compliance with any relevant provisions of the *Building Code of Australia*.

## 2001 No 438

Baulkham Hills Local Environmental Plan 1991 (Amendment No 74)

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**Development consisting of erection and use or carrying out of the following:**

**Exemption requirements**

**WATER HEATERS**  
(excluding solar systems)

- Replacement or new installations.
- The work must not reduce the structural integrity of the building or involve structural alterations.
- Installation to be carried out by a licensed person.

**WATER TANKS** at or above ground level

**1 Rural areas**  
(up to 2 tanks per dwelling and another 2 associated with farm buildings not near a dwelling)

- Maximum 17,000 litres capacity per above ground tank, 60,000 litres per inground tank.
- Maximum height of 2.4m above natural ground level.
- Situated no closer to a street than an associated dwelling.
- Must be structurally adequate.
- All tanks/tank stand installations to be structurally sound and comply with the manufacturers and/or designer's instructions.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**2 Urban areas**  
(One per dwelling or other premises)

- Maximum installed height above ground level of 2.0m including any stand (Maximum stand height 450mm).
- Maximum storage capacity of 5,000 litres.
- Located no closer to the street than the associated dwelling.
- All tanks/tank stand installations to be structurally sound and comply with the manufacturers and/or designer's instructions.
- Pumps not to cause a noise nuisance.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**Development consisting of erection and use or carrying out of the following:****Exemption requirements**

**WINDMILLS** in areas zoned RURAL only

- To be sited wholly within the boundaries of the property and not to encroach onto any registered easement.
- Free-standing and not relying on other structures for support.
- Clearance from power lines in accordance with any relevant electricity authority requirements.
- Installed in accordance with the manufacturer's specifications.
- To be built in accordance with engineer's certification for the structure and footings.
- Not to encroach into any registered easement.
- Compliance with any relevant requirements of the *Building Code of Australia*.

**WINDOWS, GLAZED AREAS AND EXTERNAL DOORS** (excluding windows in buildings listed as items of environmental heritage or in a conservation area)

- Replacement in residential premises with materials that comply with:
  - (a) *AS 1288-1994—Glass in buildings—Selection and installation* (including Amdts 1-1997 and 2-2000), and
  - (b) *AS/NZS 2208-1996—Safety glazing materials in buildings* (including Amdt 1-1999).
- No reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed.
- For commercial/industrial premises the reflectivity index not to exceed 20%.
- Being changes to the external fabric or appearance of the building or work, being changes that involve the repair or renovation or decoration, but does not include a reference to the enlargement or extension of the building or work.
- Compliance with any relevant requirements of the *Building Code of Australia*.

BY AUTHORITY