



New South Wales

Baulkham Hills Local Environmental Plan 1991 (Amendment No 97)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P01/00117/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Baulkham Hills Local Environmental Plan 1991 (Amendment No 97)

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 1991 (Amendment No 97)*.

2 Aims of plan

This plan aims:

- (a) to establish an integrated planning framework through all stages of the development of a Regional Centre located at Rouse Hill as a focus for development for retail, commercial, public transport, community services, housing and open space purposes, and
- (b) to implement principles of ecologically sustainable development, including:
 - (i) residential development, infrastructure, public spaces and activities that directly support the commercial and community activities of the Centre, and
 - (ii) an integrated and sustainable transport network that fosters the use of public transport and maintains traffic flow efficiency and safety on the major road network, and
 - (iii) an efficient, safe and enduring system of public spaces, pedestrian footways, cycleways and vehicular access, and
 - (iv) integrated proposals for the conservation and management of waterways, environmental heritage and biodiversity of the Regional Centre, and
 - (v) provision of public and private recreation facilities and amenities, and
 - (vi) the promotion of local economic activity and employment opportunities, and
 - (vii) the promotion of the ecological, archaeological and aesthetic qualities of the land to which this plan applies, and

- (c) to provide an open space network (including facilities and amenities) that integrates all the environmental resources, scenic landscape, public access and usage opportunities within the land to which this plan applies, and
- (d) to establish a focus for a range of human services capable of sustaining the needs of existing and future residents of the Rouse Hill release area, including:
 - (i) district community services, facilities and amenities, and
 - (ii) opportunities for regional services, facilities and amenities for the residents of and visitors to the greater northwest sector of Sydney, and
- (e) to encourage innovative designs of development that are integrated with the natural setting, landscape quality, built form and function of the Regional Centre, and
- (f) to manage growth and change within the land to which this plan applies, and
- (g) to create an open and public main street environment between Schofields Road/Mungerie Park Avenue (north south) and Caddies Creek/Windsor Road (east west), and
- (h) to achieve development that is of regional significance without burdening the Council with the costs of the provision of roads and services.

3 Land to which plan applies

- (1) This plan applies to the land within the Baulkham Hills local government area, as shown by distinctive colouring, edging or lettering on the map marked “Baulkham Hills Shire Council Local Environmental Plan 1991 (Amendment No 97)” deposited in the office of Baulkham Hills Council.
- (2) This plan does not apply to land shown on the map referred to in subclause (1) as “Deferred Matter”.

4 Amendment of Baulkham Hills Local Environmental Plan 1991

Baulkham Hills Local Environmental Plan 1991 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert at the end of paragraph (b) of the definition of *bulky goods retailing* in clause 5 (1):

and

- (c) a floor space area of no less than 500 square metres,

[2] Clause 5 (1) definition of “shop top housing”

Insert in alphabetical order:

shop top housing means residential development in conjunction with commercial or retail development, where the commercial or retail usage occurs on the ground floor only.

[3] Cause 5 (1), definition of “the map”

Insert at the end of the definition:

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(Amendment No 97)

[4] Clause 8 Zones indicated on the map

Insert in appropriate order:

Residential 2 (a4) (Rouse Hill Regional Centre) Zone (Zone No 2 (a4))—coloured dark scarlet, edged red and lettered “2 (a4)”.

Service Business 3 (c) Zone (Zone No 3 (c))—coloured dark blue and lettered “3 (c)”.

Special Uses 5 (c) (Trunk Drainage and Conservation) Zone (Zone No 5 (c))—coloured yellow with black lettering and lettered “5 (c)”.

[5] Clause 9 Zone objectives and zoning controls

Insert in appropriate order in the Table to clause 9:

Residential 2 (a4) (Rouse Hill Regional Centre) Zone

1 Objectives of zone

The objectives are:

- (a) to maximise opportunities for residential development in close proximity to the facilities and services of the Rouse Hill Regional Centre, and
- (b) to promote a range of housing types and styles, and
- (c) to provide opportunities for affordable housing, and
- (d) to integrate residential development with public transport facilities, and
- (e) to allow a range of ancillary uses, functions and activities capable of:
 - (i) visually integrating with the surrounding environment, and
 - (ii) meeting the needs of the surrounding population without conflicting with the residential amenity and character of 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 (which is *advertised development*):

apartment buildings; commercial premises in conjunction with shop top housing; educational establishments; motels; restaurants; shop top housing; shops in conjunction with shop top housing; telecommunications facilities; town houses; villas.

Any other development not included in item 2 or 4.

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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:

home industries; places of assembly; purposes specified in Schedule 2 (other than commercial premises in conjunction with shop top housing; motels; restaurants; shop top housing and shops in conjunction with shop top housing).

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 |
| | 46—Rouse Hill Regional Centre |

[6] Clause 9, Table

Omit the matter relating to Zone No 3 (a). Insert instead:

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 local government area of Baulkham Hills, and
- (c) to encourage a wide range of retail, commercial, community, leisure and entertainment facilities in the major business centres of the local government area of Baulkham Hills, and
- (d) to integrate retail and commercial activities within a network of public and civic spaces, and
- (e) to ensure that the scale and type of business development within the zone is compatible with the character and amenity of surrounding areas, and
- (f) to integrate retail and commercial activities with public transport facilities, and
- (g) to provide for mixed use development, including housing, 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; motels; taverns;
telecommunications facilities; town houses; villas.

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.

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Schedule 1 Amendments

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 |
| | 17—Land subject to bushfire hazards |
| | 18–23—Conservation of heritage items |
| | 30—Preservation of trees |
| | 46—Rouse Hill Regional Centre |

[7] Clause 9, Table

Insert in appropriate order:

Service Business 3 (c) Zone

1 Objectives of zone

The objectives are:

- (a) to promote a range of uses that support and service the needs of retail and commercial activities carried out on land within Zone No 3 (a) in major business centres, and
- (b) to promote a range of business and employment opportunities in the research and development of advanced technology products and processes, and
- (c) to permit development involving bulky goods retail, and

- (d) 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:

Exempt development.

3 Development allowed only with consent

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

bus depots; bus stations; car repair stations; child care centres; educational establishments; health care premises; hospitals; hotels; motels; motor vehicle servicing; places of assembly; public buildings; reception establishments; 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 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; apartment buildings; attached dual occupancies; detached dual occupancies; caravan parks; dwellings; dwelling-houses; exhibition homes; extractive industries; guest houses; home activities; home businesses; home industries; industries; institutions; landscape supply establishments; junk yards; liquid fuel depots; mines; offensive or hazardous industries; retail plant nurseries; road transport terminals; roadside stalls; sawmills; shops (other than those listed in Schedule 3); stock and sale yards; tourist facilities; town houses; villas; waste disposal.

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Schedule 1 Amendments

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 |
| | 46—Rouse Hill Regional Centre |

Special Uses 5 (c) (Trunk Drainage and Conservation) Zone

1 Objectives of zone

The objectives are:

- (a) to identify land to be acquired by the Sydney Water Corporation for trunk drainage purposes, and
- (b) to provide for the use of that land for drainage purposes having regard for the environmental constraints of that land, and
- (c) to provide for the preservation of the biological diversity, archaeological significance, scenic values and recreational opportunities of that land.

2 Development allowed without consent

Nil.

3 Development allowed only with consent

Development for the purpose of the following:

bushfire hazard reduction; drainage works; landscaping; open space; recreation areas; recreation facilities; roads; utility installations.

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 |
| | 16—Development of flood liable land |
| | 18–23—Conservation of heritage items |
| | 25—Acquisition of certain land |
| | 30—Preservation of trees |
| | 46—Rouse Hill Regional Centre |
| | 47—Trunk Drainage and Conservation Zone |

[8] Clause 11 Services

Omit clause 11 (2). Insert instead:

- (2) A person must not carry out development on land to which any of the following environmental planning instruments apply unless arrangements satisfactory to the Roads and Traffic Authority for classified roads have been made in relation to that land:

Baulkham Hills Local Environmental Plan 1991 (Amendment No 1)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 52)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 73)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 90)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 97)

[9] Clause 25 Acquisition of certain land

Omit “Zone 5 (a)” from clause 25 (1).

Insert instead “Zone No 5 (a) or 5 (c)”.

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[10] Clause 25 (1) (j)

Insert after clause 25 (1) (i):

- (j) in the case of land within Zone No 5(c) (Trunk Drainage and Conservation), the Sydney Water Corporation,

[11] Clauses 46 and 47

Insert after clause 45:

46 Rouse Hill Regional Centre

- (1) The Council must not grant consent to the carrying out of development on land within the Rouse Hill Regional Centre unless the Council has taken into consideration:
 - (a) any relevant development control plans, and
 - (b) the document entitled “Rouse Hill Regional Centre Background Report”, as adopted by the Council, and
 - (c) any requirements of:
 - (i) the Department of Transport, and
 - (ii) the Department of Urban Affairs and Planning,with respect to the future provision of a rail link to and through the Rouse Hill Regional Centre.
- (2) In this clause, *Rouse Hill Regional Centre* means the land shown by distinctive colouring, edging or lettering on the map marked “Baulkham Hills Shire Council Local Environmental Plan 1991 (Amendment No 97)”.

47 Trunk Drainage and Conservation Zone

The Council must not grant consent to the carrying out of development on land within Zone No 5 (c) unless:

- (a) it has taken into consideration the requirements of any management plan that the Sydney Water Corporation has identified to the Council as being relevant to that land, and
- (b) it has obtained the concurrence of the Sydney Water Corporation to the carrying out of that development.

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Amendments

Schedule 1

[12] Schedule 2

Insert in alphabetical order:

Shop top housing