



New South Wales

Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)

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. (P00/00362)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 35

Clause 1

Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)

1 Name of plan

This plan may be called *Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)*.

2 Aims, objectives etc

- (1) This plan aims to amend *Baulkham Hills Local Environmental Plan 1991* by:
 - (a) introducing a new zone to address geotechnical constraints on the development of land, and
 - (b) including a special provision addressing those constraints, and
 - (c) rezoning certain land to enable its development for residential purposes in consistency with the Housing Strategy of the Council of the Shire of Baulkham Hills.
- (2) This plan also corrects some incorrect numbering in *Baulkham Hills Local Environmental Plan 1991*.

3 Land to which the plan applies

This plan applies:

- (a) in so far as it rezones certain land and inserts a special provision addressing geotechnical constraints on the development of land—to certain land within the Baulkham Hills local government area, being the land within the vicinity of Telfer Road, Dan Crescent and Haigh Place at Castle Hill that is shown edged heavy black on the map marked “Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)” deposited in the office of the Council of the Shire of Baulkham Hills, and
- (b) in all other respects—to all land within the Baulkham Hills local government area.

4 Relationship to other environmental planning instruments

This plan amends *Baulkham Hills Local Environmental Plan 1991* as set out in Schedule 1.

Schedule 1 Amendment of Baulkham Hills Local Environmental Plan 1991

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

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[2] Clause 8 Zones indicated on the map

Insert in appropriate order:

Residential 2 (e) Zone (Zone No 2 (e))—coloured light scarlet, edged black and lettered “2 (e)”

[3] Clause 9 Zone objectives and zoning controls

Renumber items 5 and 6 wherever occurring in the matter relating to Zones Nos 2 (a1), 2 (a2) and 2 (a3) in the Table to the clause as items 4 and 5.

[4] Clause 9, Table

Insert in appropriate order:

Residential 2 (e) 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 the land, and
- (b) to ensure that development in geotechnical hazard localities does not have any detrimental effect on the land the subject of the development or on land in its vicinity, and

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Schedule 1

Amendment of Baulkham Hills Local Environmental Plan 1991

- (c) to ensure that any use of land within the zone is able to tolerate the effects of soil movement.

2 Development allowed without consent
Exempt development.

3 Development allowed only with consent
Development for the purpose of the following:
dwelling-houses; open space; retaining walls.
Additions and alterations to an existing dwelling.
Demolition of existing structures.

4 Prohibited development
Any development not included in item 2 or 3.

[5] Clause 9B Complying development

Insert after clause 9B (2) (h):

- (i) land within Zone No 2 (e),
- (j) land referred to in clause 49.

[6] Clauses 48 and 49

Insert after the last clause in the plan:

48 Development within Zone No 2 (e)

- (1) The Council must not consent to the carrying out of any of the following development on land within Zone No 2 (e):
 - (a) development that does not provide for the connection of surface stormwater on the land the subject of the development to a piped stormwater drainage system,
 - (b) the erection of a dwelling-house, unless:
 - (i) the proposed dwelling-house is a replacement for an existing dwelling, and
 - (ii) it will have a floor area not exceeding 125% of the floor area of the existing dwelling, and
 - (iii) it will be a light and flexible structure capable of tolerating soil movement,

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- (c) additions or alterations to an existing dwelling-house, unless:
 - (i) the area of the existing dwelling-house will not be increased by more than 25%, and
 - (ii) the additions or alterations will be light and flexible and capable of tolerating soil movement,
 - (d) excavation or filling of land to a depth or height of 300mm from the existing surface level,
 - (e) the erection or installation of:
 - (i) any concrete or fibreglass swimming pool, or
 - (ii) an above-ground swimming pool (unless the pool is less than 1 metre deep),
 - (f) subdivision for the purpose of creating additional lots to be used for residential purposes.
- (2) A person may, with the consent of the Council:
- (a) erect a shed or a carport of a lightweight, flexible material, and
 - (b) replace or re clad the walls of an existing dwelling in a lightweight, flexible material,
- on land within Zone No 2 (e).
- (3) The Council must not grant consent to the carrying out of any development for which consent may be granted under this clause unless it is satisfied that a suitably qualified engineer experienced in soil and rock mechanics has certified that each structure (if any) proposed to be erected on the land concerned is suitable for that land, having regard to the geotechnical constraints of the land.
- (4) In this clause:

existing dwelling and *existing dwelling-house* mean (respectively) a dwelling or dwelling-house as it existed on the commencement of *Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)*.

existing surface level, in relation to land, means the surface level of the land on the commencement of *Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)*.

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Schedule 1 Amendment of Baulkham Hills Local Environmental Plan 1991

49 Land affected by geotechnical hazard

The Council must not consent to the carrying out of development on land shown stippled black and labelled “Geotechnical Assessment Area” on the map marked “Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)” unless it is satisfied that a geotechnical appraisal of the land (including the sinking of cored boreholes) has been undertaken and that a suitably qualified engineer experienced in soil and rock mechanics has certified that the land is suitable for the proposed development.

[7] Schedule 3A Exempt development

Omit the matter opposite the first dot point in the matter relating to Classrooms—Portable.

Insert instead:

On land (other than land within Zone No 2 (e)) on which a government or non-government school is situated.

[8] Schedule 3A Matter relating to Retaining Walls

Insert after the last dot point:

- Not on land within Zone No 2 (e).

[9] Schedule 3A Matter relating to Water Tanks

Insert after the last dot point in item 2:

- Not on land within Zone No 2 (e).

BY AUTHORITY
