



New South Wales

# **Baulkham Hills Local Environmental Plan 2005**

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*. (P00/00458/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

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## **Baulkham Hills Local Environmental Plan 2005**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1 Name of plan**

This plan is *Baulkham Hills Local Environmental Plan 2005*.

#### **2 Aims of plan and objectives for development**

##### **Explanatory note**

This plan restates the provisions of *Baulkham Hills Local Environmental Plan 1991* and incorporates the amendments that have been made to it so as to provide a coherent statement of planning intent for Baulkham Hills, bring those provisions up to date and ensure consistency with all relevant and current legislation.

- (1) The aims of this plan are:
    - (a) with respect to the natural and built environment of the Baulkham Hills local government area, to conserve and enhance the natural and built environment of Baulkham Hills for present and future generations, and
    - (b) with respect to the community of that area, to encourage a strong sense of community identity and economic well being throughout Baulkham Hills through the development of local communities that are safe, liveable and offer a diversity of land use and economic opportunity, and
    - (c) with respect to use of resources within that area, to promote the efficient utilisation of land, services and support facilities in existing urban areas and to provide for the orderly growth of new urban areas that promote a high level of residential amenity, and
    - (d) with respect to flexibility, to create a broad framework of controls and allow the opportunity for more detailed provisions relating to matters of local significance to be contained in development control plans.
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- (2) The objectives for development of this plan are:
- (a) with respect to the natural and built environment of the Baulkham Hills local government area, that development should:
    - (i) recognise and implement the principles of ecologically sustainable development, and
    - (ii) protect and enhance the area's biodiversity, and
    - (iii) ensure that environmentally sensitive areas are suitably protected, and
    - (iv) address all natural hazard concerns, including flooding, landslip, subsidence, salinity, tidal inundation, land contamination and acid sulfate soils, and
    - (v) respect, improve and integrate with the local character of the locality in which it is carried out, and
    - (vi) rehabilitate the natural environment where damaged by previous activities, and
    - (vii) have regard to the land uses that form the rural and urban environment of the Shire, and
    - (viii) minimise the use of non-renewable resources and maximise the use of renewable resources, and
    - (ix) incorporate energy saving mechanisms and water saving mechanisms, and
    - (x) minimise waste and pollution, and
    - (xi) promote buildings designed for adaptive re-use, and
    - (xii) conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
    - (xiii) conserve and enhance the natural, cultural and environmental heritage of the area, and
    - (xiv) positively contribute to the retention and maintenance of items of indigenous and non-indigenous heritage, and
  - (b) with respect to the community of that area, that development should:
    - (i) integrate land use and improve access to open space, employment opportunities, public transport, community facilities and commercial services, and
    - (ii) reinforce the retail and commercial centres hierarchy within the area, and
    - (iii) provide opportunities for tourism and recreational development in appropriate locations, and

- (iv) provide for home-based activities that are compatible with the character and amenity of the neighbourhood or place in which they are to be located, and
- (v) maximise positive social impacts and minimise potentially detrimental social impacts, and
- (vi) provide informal surveillance of public spaces, and
- (vii) optimise the shared use of streets and parking facilities, while improving or creating an efficient pedestrian environment, and
- (c) with respect to use of resources within that area, development should:
  - (i) protect localities from inappropriate development and ensure that local amenity is maintained and enhanced, and
  - (ii) provide choice in housing for residents, and
  - (iii) ensure that urban housing type varies and is designed and constructed in a manner that can accommodate (or be adapted to the needs of) a variety of household types, and
  - (iv) contribute to the synergy between land use activities.

### 3 Land to which plan applies

- (1) This plan applies to the land within the local government area of Baulkham Hills as shown on the map, with boundaries as indicated on the map.
- (2) However, this plan does not apply to any land shown as “Deferred” on the map.

### 4 Relationship to other environmental planning instruments

This plan repeals:

- (a) *Baulkham Hills Local Environmental Plan 1991*, and
- (b) such other local environmental plans and deemed environmental planning instruments as, immediately before the commencement of this plan, applied to the land to which this plan applies, but to the extent only to which those plans and instruments applied to that land.

### 5 Definitions

- (1) In this plan:  
*acid sulfate soils* means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Guidelines*.

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***Acid Sulfate Soils Assessment Guidelines*** means the *Acid Sulfate Soils Assessment Guidelines* as published by the NSW Acid Sulfate Soils Management Advisory Committee and adopted for the time being by the Director-General.

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

***advertisement*** has the same meaning as in the Act.

***advertising structure*** has the same meaning as in the Act.

***agricultural products establishment*** means a building or place used for the sale of goods or materials used in agricultural production but, in the Table to clause 13, 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, in the Table to clause 13, not for the purpose of 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.

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

***animal boarding, breeding and training establishment*** means a building or place used for boarding, breeding, training, keeping or caring for animals, otherwise than for domestic purposes.

***apartment building*** means a building containing 3 or more dwellings where each dwelling does not necessarily have direct access to private open space at natural ground level.

***archaeological site*** means a site identified in Schedule 1 as an archaeological site which may include one or more relics.

***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 that:

- (a) has the owner as a permanent resident living in the dwelling-house, and
- (b) provides temporary accommodation, up to a maximum of 30 calendar days, for the short-term traveller, and



- (c) offers no more than three guest rooms, and accommodation for no more than six guests, at any one time, and
- (d) provides one off-street parking space per guest room, and
- (e) offers meals only for guests, and
- (f) serves only non-alcoholic beverages with meals, and
- (g) does not contain cooking facilities in guest rooms for preparation of meals by guests, and
- (h) exhibits a notice, advertisement or sign that does not exceed 0.6m<sup>2</sup>, and is located adjacent to the front property boundary, and
- (i) complies with all relevant requirements of the *Building Code of Australia*, and
- (j) has a smoke detection system in the building in accordance with requirements of AS 3786—1993, *Smoke alarms* that is:
  - (i) connected to a permanent 240V power supply, and
  - (ii) provided with a battery backup to activate the alarm unit in the event of failure of the permanent power supply, and
- (k) has a fire extinguisher and a fire blanket in the kitchen.

***bulky goods retailing*** means the retailing of large goods that are 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, and
- (c) a floor area, per unit or separate occupancy, of not less than 500m<sup>2</sup>,

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.

***bush fire fighting establishment*** means a building used for the operation of a rural fire brigade formed or organised under section 19 of the *Rural Fires Act 1997*.

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

***bushland*** means vegetation that is either a remainder of the natural vegetation on the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation.

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**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 for the purpose of providing security or maintenance services to the land on which the dwelling stands, where the land is owned by the Council for a public purpose.

**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 Division 1 of Part 5 of 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 tollway, or
- (h) a transitway, or
- (i) a controlled access road,

and shown on the map by a continuous blue centreline.

**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, in the Table to clause 13, 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 management plan** means a document, prepared in accordance with the requirements of the NSW Heritage Office, that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**convenience store** means a shop that, at 1 March 1991, 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.

**creek** means the path of a permanent or intermittent flow of water.

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

**demolish** a heritage item, or a building, work, relic, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic, tree or place.

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***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 or place used as a school, university, 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.

***environmental protection works*** means a structure or work that provides for:

- (a) environmental management and restoration facilities, such as bush restoration, wetlands restoration, erosion and run-off prevention works or the like, or
- (b) nature study or display facilities, such as board walks, observation decks, bird hides or the like.

***environmentally integrated housing*** means:

- (a) the integrated design and construction of dwellings with a resultant maximum yield of dwellings and lots that is consistent with the subdivision potential of the land, which may be indicated in a development control plan, and
- (b) the protection of all environmentally significant or sensitive areas (normally as common or neighbourhood property) of land, including natural drainage channels, important vegetative and topographic features, geotechnical hazard areas and the like, by the integration of buildings and works with the environment.

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

***exhibition village*** means two or more exhibition homes and includes other associated places and buildings, such as an office used for house and land sales, car parking, site offices, a place set aside for advisory services and the like.

***existing holding*** means the land comprised in an allotment, portion or parcel of land that was in existence as a separate allotment, portion or parcel of land prior to 7 May 1988.

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**extractive industry** means:

- (a) the winning of extractive material, or
- (b) an industry or undertaking, not being carried out at 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.

**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 agriculture or with a land use for which consent has been granted, where the landfill deposited exceeds one metre in depth or affects a total area of 100m<sup>2</sup> or more, 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).

**flood standard** means the 1% probability flood (as referred to in the *Floodplain Management Manual: the management of flood liable land* published by the NSW Government in 2001).

**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** of a building means the sum of the areas of each floor of the 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 to it, 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, are provided, but only to residents of the guest house.

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**habitat tree** means any tree which has hollows in the trunk or limbs that is suitable habitat for endangered fauna including birds, arboreal marsupials or bats or is a support for locally indigenous or endemic epiphytic endangered plants.

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

- (a) medical practitioners, or dentists within the meaning of the *Dental Practice Act 2001*, or
- (b) health care professionals,

to practise in not more than a total of 3 rooms the profession of medicine, dentistry or health care and who employ a total of not more than 3 employees in connection with all of their 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 podiatrist registered under the *Podiatrists Act 1989* or *Podiatrists Act 2003*, or
- (b) a chiropractor registered under the *Chiropractors Act 2001*, or
- (c) an osteopath registered under the *Osteopaths Act 2001*, or
- (d) a physiotherapist registered under the *Physiotherapists Act 2001*, or
- (e) an optometrist registered under the *Optometrists Act 2002*, or
- (f) 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 that is set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use that 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 conservation area** means an area of land that is shown edged heavy black and marked "Conservation Area" on the map and includes buildings, works, relics, trees and places situated on or within the land.

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

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***heritage impact statement*** means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, relic, tree or place within a heritage conservation area, and an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

***heritage item*** means a building, work, archaeological site or place of heritage significance described in Schedule 1.

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

***home activity*** means any activity or occupation 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 (not being health care premises) where:

- (a) the activity or occupation does not occupy a total floor area of more than 50m<sup>2</sup>, 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, that would fit within a rectangle 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 locality, and
- (f) there is a maximum of one such activity or occupation per dwelling.

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**home business** means a business carried out, or partly carried out, in a dwelling (not being health care premises) or within the land on which the dwelling is situated, 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, that would fit within a rectangle 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
  - (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 such business per dwelling.

**home industry** means an industry carried out in a building (not being health care premises) 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
- (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 that would fit within a rectangle 1.2 metres in length and 0.6 metres 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, and
- (d) there is a maximum of one such industry per property.

**hospital** means 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 building or place, 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 trade, manufacturing, business, project or occupation in which persons work.

**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.

**integrated housing** means:

- (a) the subdivision of land into two or more allotments, and
- (b) the erection of one or more dwellings on each allotment so created,

where the siting and design of each dwelling occurs prior to the determination of the subdivision boundaries but, in the Table to clause 13, does not include a form of development elsewhere specifically defined in this clause.

**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:

- (a) a beef cattle feedlot, or
- (b) a dairy farm, or
- (c) a piggery, including a free-range piggery, or
- (d) a poultry farm, including a free-range poultry farm, or
- (e) a worm farm, or

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- (f) a building or place used for fish farming (that may consist of or include farming crustaceans),

but does not include a building or place used 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, climate control system, 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, in the Table to clause 13, 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 or adversely affect the environment or the amenity of the neighbourhood.

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

***maintenance*** means the ongoing protective care of a heritage item or a building, work, archaeological site, relic, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

***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.

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***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 the servicing, repair, maintenance or otherwise of motor vehicles, and includes tyre servicing, muffler repairing, auto electrical repairing and the like.

***offensive or hazardous industry*** means an industry that, 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 or activities.

***office warehouse*** means premises used for the purposes of providing office floor space in conjunction with the handling, storage, display and distribution of goods.

***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, in the Table to clause 13, 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 purpose 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 or building, means materials of low reflective quality that blend with the landscape of the site and its surroundings.

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**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 includes a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking.

**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, in the Table to clause 13, does not include a building or place 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 that 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 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, in the Table to clause 13, does not include a building or place elsewhere specifically defined in this clause.

**relic** means:

- (a) any deposit, object or material evidence (that may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the Baulkham Hills local government area and that is a fixture or is wholly or partly within the ground, or

- 
- (b) any deposit, object or material evidence (that may consist of human remains) of any age relating to Aboriginal habitation of that area.

**renewable energy facility** means a facility for the production of energy from solar, wind, water or other renewable sources.

**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.

**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 20m<sup>2</sup> 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, packing or transporting of primary products, and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

**rural workers' dwelling** means a dwelling-house that is situated on land on which there is already erected a dwelling-house and that is occupied by a person who is engaged in the use of the land for the purposes of agriculture, intensive animal industries or intensive horticulture establishments.

**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,

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- (d) the repairing and servicing of motor vehicles (other than repairing and servicing that 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.

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

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

**the map** means the map marked "Baulkham Hills Local Environmental Plan 2005", as amended by the maps, or sheets of maps, marked as follows:

**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.

**town-house** means one of a group of 3 or more two-storey dwellings, which may or may not be attached, on a single allotment of land or on adjacent allotments that constitute a single site, where each dwelling has a separate entrance accessible from an outside area and direct access to private open space at natural ground level.

**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 that has a spread of more than 3 metres, or a height of more than 5 metres, and measures more than 150 millimetres in diameter measured 1 metre up from the ground.

**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.

**villa** means one of a group of 3 or more single-storey dwellings, which may or may not be attached, on a single allotment of land or on adjacent allotments that constitute a single site, where each dwelling has a separate entrance accessible from an outside area and direct access to private open space at natural ground level.

**warehouse** means a building or place used for the storage of goods, merchandise or materials, pending 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) In this plan:
- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) a reference to a map is a reference to a map deposited in the office of the Council, except as otherwise stated, and
  - (c) a reference to land within a zone specified in the Table to clause 13 is a reference to land shown on the map in the manner specified in clause 12 as the means of identifying land of the zone so specified, and
  - (d) any explanatory notes to this plan are intended to assist the reader to understand this plan but do not form part of this plan.

## 6 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except for clauses 4, 5, 7, 8, 13, 15–17, 19–28, 33, 34 and 35 (c) are adopted for the purposes of this plan.

## 7 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

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### 8 Exempt development

- (1) Development listed in Schedule 2 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 13, and
  - (c) it meets the other requirements for exempt development made by the Act and this clause.
- (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 listed on the State Heritage Register under the *Heritage Act 1977*,
  - (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 (not being land within Zone 2 (d) under this plan) that is zoned, or otherwise identified, under this or any other environmental planning instrument for the protection or preservation of habitat, plant communities or wetlands,
  - (e) an aquatic reserve under the *Fisheries Management Act 1994*,
  - (f) Crown land, including land reserved or dedicated for a public purpose under the *Crown Lands Act 1989*,
  - (g) bush fire prone land, land below the flood standard, any land with a gradient in excess of 20% and any land within 40 metres of a stream, river or watercourse.
- (3) Exempt development must comply with the conditions of any prior development consent in force in respect of the land on which the development is to be carried out.
- (4) Any provision of Part 3 that provides development is not exempt development prevails over this clause.

### 9 Complying development

- (1) Development identified as complying development in the Table to clause 13, 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, and



- 
- (c) it is carried out in a zone for which it is identified as complying development by the Table to clause 13, and
  - (d) it complies with the requirements applied to the development by the Council's four 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.
- (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 listed on the State Heritage Register under the *Heritage Act 1977*,
  - (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 (not being land within Zone 2 (d) under this plan) that is zoned, or otherwise identified, under this or any other environmental planning instrument for the protection or preservation of habitat, plant communities or wetlands,
  - (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) bush fire prone land, land below the flood standard, any land with a gradient in excess of 20% and any land within 40 metres of a stream, river or watercourse.
- (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.
- (4) Any provision of Part 3 that provides development is not complying development prevails over this clause.

#### 10 Notifiable development

Unless it is also complying development, the provisions of section 79 of the Act apply to and in respect of development identified in the Table to clause 13 as ***notifiable development*** in the same way as those provisions apply to and in respect of designated development.

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### **11    Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

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## Part 2 General restrictions on development of land

### 12 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map in the manner specified below for that zone:

Zone 1 (a) (Rural 1 (a) Zone)—coloured light brown and lettered “1 (a)”.

Zone 1 (b) (Rural 1 (b) Zone)—coloured light brown, edged red and lettered “1 (b)”.

Zone 1 (c) (Rural 1 (c) Zone)—coloured light brown, edged red and lettered “1 (c)”.

Zone 1 (d) (Rural 1 (d) Zone)—coloured light brown, edged red and lettered “1 (d)”.

Zone 2 (a) (Residential 2 (a) Zone)—coloured light scarlet, edged red and lettered “2 (a)”.

Zone 2 (a1) (Residential 2 (a1) Zone)—coloured light scarlet, edged red and lettered “2 (a1)”.

Zone 2 (a2) (Residential 2 (a2) Zone)—coloured light scarlet, edged red and lettered “2 (a2)”.

Zone 2 (a3) (Residential 2 (a3) Zone)—coloured light scarlet, edged red and lettered “2 (a3)”.

Zone 2 (a4) (Residential 2 (a4) (Rouse Hill Regional Centre) Zone)—coloured dark scarlet and lettered “2 (a4)”.

Zone 2 (b) (Residential 2 (b) Zone)—coloured light scarlet and lettered “2 (b)”.

Zone 2 (c) (Residential 2 (c) (Tourist Village) Zone)—coloured light scarlet and lettered “2 (c)”.

Zone 2 (d) (Residential 2 (d) (Protected) Zone)—coloured light scarlet, edged red and lettered “2 (d)”.

Zone 2 (e) (Residential 2 (e) Zone)—coloured light scarlet, edged red and lettered “2 (e)”.

Zone 3 (a) (Business 3 (a) (Retail) Zone)—coloured light blue and lettered “3 (a)”.

Zone 3 (b) (Business 3 (b) (Commercial) Zone)—coloured medium blue and lettered “3 (b)”.

Zone 3 (c) (Service Business 3 (c) Zone)—coloured dark blue and lettered “3 (c)”.

Zone 4 (b) (Light Industry 4 (b) Zone)—coloured purple and lettered “4 (b)”.

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Zone 5 (a) (Special Uses 5 (a) (Existing and Proposed) Zone)—coloured yellow, edged red, with black lettering and lettered “5 (a)”.

Zone 5 (b) (Special Uses 5 (b) (Existing and Proposed Roads) Zone)—coloured grey, with classified roads shown by a blue centreline.

Zone 5 (c) (Special Uses 5 (c) (Trunk Drainage and Conservation) Zone)—coloured yellow, edged red, with black lettering and lettered “5 (c)”.

Zone 6 (a) (Open Space 6 (a) (Existing and Proposed Public Recreation) Zone)—coloured light green and lettered “6 (a)”.

Zone 6 (b) (Open Space 6 (b) (Private Recreation) Zone)—coloured dark green and lettered “6 (b)”.

Zone 7 (a) (Environmental Protection 7 (a) (Wetlands) Zone)—coloured orange and lettered “7 (a)”.

Zone 8 (a) (National Parks and Nature Reserves 8 (a) Zone)—edged green and lettered “8 (a)”.

Zone 10 (a) (Employment Area 10 (a) (Business Park) Zone)—coloured light blue and lettered “10 (a)”.

### 13 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 proposed development:
  - (a) is consistent with one or more of the aims of this plan and any relevant objectives for development, and
  - (b) is not contrary to achieving the objectives of the zone within which it will be carried out.

**Note.**

The aims and the objectives for development of this plan are set out in clause 2. The objectives of zones are set out in the Table to this clause.

- (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

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- (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 exempt development may be carried out are set out in clause 8 and Schedule 2.
  - (5) Development that may be carried out within a zone only with development consent, and is not complying development, is required to be notified in accordance with clause 10 if it is listed in the Table to this clause as notifiable development for the zone.
  - (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 9.

#### **Table**

#### **Zone 1 (a) (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 land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, and
- (d) to ensure that development is designed and carried out having regard to adjoining land uses and the natural environment, and
- (e) to ensure that development is designed and carried out having regard to the rural and heritage character of the surrounding area, and
- (f) to ensure that development of land within the zone does not hinder the proper and orderly development of any future urban land.

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### 2 Development allowed without consent

Exempt development and development for the purpose of:  
agriculture (other than carrying out works for the purpose of  
dams); bed and breakfast establishments; bush fire hazard  
reduction; home activities.

### 3 Development allowed only with consent

Development for the purpose of:  
additions and alterations related to an existing dwelling-house;  
advertising structures; agricultural products establishments;  
attached dual occupancies; bush fire fighting establishments;  
caretakers' dwellings; cemeteries; child care centres; clearing of  
bushland; community facilities; dams; dwelling-houses;  
environmental protection works; exhibition homes; exhibition  
villages; filling of land; firewood establishments; health care  
premises; home businesses; home industries; intensive animal  
industries; intensive horticulture establishments; landscape  
supply establishments; leisure facilities; places of worship;  
public buildings; public utility undertakings; recreation areas;  
recreation facilities; renewable energy 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.

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

animal boarding, breeding and training establishments; clubs;  
educational establishments; forestry; guest houses; hospitals,  
institutions; reception establishments; research establishments;  
telecommunications facilities.

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

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**Zone 1 (b) (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 maintain the rural character of the locality without adversely affecting the carrying out of agricultural activities, and
- (c) 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
- (d) to provide land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas and appropriate locations for tourist facilities, and
- (e) to protect and enhance those areas of particular scenic and environmental value, and
- (f) to ensure that development is designed and carried out having regard to the rural and heritage character of surrounding land, and
- (g) to ensure that development is designed and carried out having regard to adjoining land uses and the natural environment.

**2 Development allowed without consent**

Exempt development and development for the purpose of:  
agriculture (other than dams); bed and breakfast establishments;  
bush fire hazard reduction; home activities.

**3 Development allowed only with consent**

Development for the purpose of:  
additions and alterations related to an existing dwelling-house;  
advertising structures; agricultural products establishments;  
attached dual occupancies; bush fire fighting establishments;  
caretakers' dwellings; cemeteries; child care centres; clearing of  
bushland; community facilities; convenience stores; dams;  
dwelling-houses; environmental protection works; exhibition  
homes; exhibition villages; filling of land; firewood  
establishments; health care premises; helipads; heliports; home

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businesses; home industries; intensive animal industries; intensive horticulture establishments; landscape supply establishments; leisure facilities; places of worship; public buildings; public utility undertakings; recreation areas; recreation facilities; renewable energy 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.

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

animal boarding, breeding and training establishments; caravan parks; clubs; educational establishments; extractive industries or industries directly associated with, or dependent on, extractive industries; forestry; 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*:  
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.

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

##### 1 Objectives of zone

The objectives are:

- (a) to accommodate rural-residential development that is sympathetic to the environment and minimises risks from natural hazards, and
- (b) to provide for a range of activities that 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 ensure that development is designed and carried out having regard to adjoining land uses and the natural environment, and



- 
- (e) to ensure that development is designed and carried out having regard to the rural and heritage character of the surrounding area, and
  - (f) to encourage the preservation of suitable areas for open space purposes.

## 2 Development allowed without consent

Exempt development and development for the purpose of:  
agriculture (other than dams); bed and breakfast establishments;  
bush fire hazard reduction; home activities.

## 3 Development allowed only with consent

Development for the purpose of:  
additions and alterations related to an existing dwelling-house;  
advertising structures; attached dual occupancies; bush fire fighting establishments; caretakers' dwellings; cemeteries; child care centres; clearing of bushland; community facilities; dams; dwelling-houses; environmental protection works; exhibition homes; filling of land; health care premises; home businesses; home industries; intensive animal industries; intensive horticulture establishments; landscape supply establishments; leisure facilities; places of worship; public buildings; public utility undertakings; recreation areas; recreation facilities; renewable energy 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.

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

animal boarding, breeding and training establishments; clubs; educational establishments; hospitals; research establishments; restaurants; telecommunications facilities.

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

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### **Zone 1 (d) (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 ensure that development is designed and carried out having regard to adjoining land uses and the natural environment, and
- (f) 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 bush fires.

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

Exempt development and development for the purpose of:

bed and breakfast establishments; bush fire hazard reduction; home activities.

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

Development for the purpose of:

additions and alterations related to an existing dwelling-house; advertising structures; attached dual occupancies; bush fire fighting establishments; child care centres; clearing of bushland; community facilities; dams; dwelling-houses; environmental protection works; filling of land; home businesses; home industries; places of worship; public utility undertakings; recreation areas; recreation facilities; renewable energy facilities; roads; sheds; stables; tennis courts in association with a dwelling; utility installations (other than gas holders or generating works); veterinary establishments.

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

animal boarding, breeding and training establishments; telecommunications facilities.

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

### **Zone 2 (a) (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
- (b) to provide for development for medium-density housing forms (including apartment buildings, town-houses, villas and the like) in locations close to the main activity centres of the local government area, 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 developments, ancillary to residential uses, that:
  - (i) are capable of integration with the surrounding environment, and
  - (ii) serve the needs of the surrounding population without conflicting with the residential intent of the zone, and
  - (iii) do not place demands on services beyond the level reasonably required for residential use.

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

Exempt development and development for the purpose of:  
home activities.

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### 3    Development allowed only with consent

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

apartment buildings; attached dual occupancies; convenience stores; detached dual occupancies; environmentally integrated housing; exhibition villages; telecommunications facilities; town-houses; villas.

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 neither more than one metre cut nor 0.6 metre fill; single storey dwelling-houses with neither more than one metre cut nor 0.6 metre fill.

### 4    Prohibited development

Development included in Schedule 3 and development for the purpose of:

bed and breakfast establishments; home industries; office warehouses; places of assembly.

## Zone 2 (a1)    (Residential 2 (a1) Zone)

### 1    Objectives of zone

The objectives are:

- (a) to promote a range of housing choices and associated facilities, and
- (b) to identify those localities that are capable of supporting an increase in housing density and population, and
- (c) to increase housing density in locations adjacent to the main activity centres of the local government area, and
- (d) to promote development that encourages public transport use and minimises private traffic generation, and
- (e) to ensure that building form (including alterations and additions) is in character with the surrounding built environment and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and

- 
- (f) to ensure that any development carried out:
    - (i) is compatible with adjoining structures in terms of elevations to the street and building height, and
    - (ii) has regard to the privacy of existing and future residents, and
    - (iii) has regard to the transmission of noise between dwellings, and
    - (iv) minimises energy consumption and utilises passive solar design principles, and
    - (v) retains significant vegetation, and
    - (vi) incorporates landscaping within building setbacks and open space areas, and
    - (vii) incorporates adaptable housing to meet the needs of people with disabilities, and
  - (g) 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
  - (h) to allow a range of development, ancillary to residential uses, that:
    - (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**

Exempt development and development for the purpose of:  
home activities.

**3 Development allowed only with consent**

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

apartment buildings; attached dual occupancies; convenience stores; detached dual occupancies; environmentally integrated 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 neither more  
than 1 metre cut nor 0.6 metre fill; single-storey dwelling-houses  
with neither more than 1 metre cut nor 0.6 metre fill.

#### 4 Prohibited development

Development included in Schedule 3 and development for the  
purpose of:

bed and breakfast establishments; home industries; office  
warehouses; places of assembly.

#### Zone 2 (a2)      (Residential 2 (a2) Zone)

##### 1 Objectives of zone

The objectives are:

- (a) to provide for the development of town-houses, villas,  
and the like in locations close to established public  
transport routes and the main activity centres of the local  
government area, and
- (b) to ensure that building form (including alterations and  
additions) is in character with the surrounding built  
environment and does not detract from the amenity  
enjoyed by nearby residents or the existing quality of the  
environment, and
- (c) to ensure that any development carried out:
  - (i) is compatible with adjoining structures in terms of  
elevations to the street and building height, and
  - (ii) has regard to the privacy of existing and future  
residents, and
  - (iii) has regard to the transmission of noise between  
dwellings, and
  - (iv) minimises energy consumption and utilises  
passive solar design principles, and
  - (v) retains significant vegetation, and
  - (vi) incorporates landscaping within building setbacks  
and open space areas, and
  - (vii) incorporates adaptable housing to meet the needs  
of people with disabilities, and
- (d) to encourage a diversity of dwelling types, and

- 
- (e) 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
  - (f) to allow a range of development, ancillary to residential uses, that:
    - (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**

Exempt development and development for the purpose of:  
home activities.

**3 Development allowed only with consent**

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

attached dual occupancies; convenience stores; detached dual occupancies; environmentally integrated housing; telecommunications facilities; town-houses; villas.

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 neither more than 1 metre cut nor 0.6 metre fill; single-storey dwelling-houses with neither more than 1 metre cut nor 0.6 metre fill.

**4 Prohibited development**

Development included in Schedule 3 and development for the purpose of:

apartment buildings; bed and breakfast establishments; home industries; office warehouses; places of assembly.

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### **Zone 2 (a3)    (Residential 2 (a3) Zone)**

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

The objectives are:

- (a) to make provision for villas on land suitable for increased housing densities which is not within proximity to the town centres, facilities or public transport, and
- (b) to ensure that building form (including alterations and additions) is in character with the surrounding built environment and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and
- (c) to ensure that any development carried out:
  - (i) is compatible with adjoining structures in terms of elevations to the street and building height, and
  - (ii) has regard to the privacy of existing and future residents, and
  - (iii) has regard to the transmission of noise between dwellings, and
  - (iv) minimises energy consumption and utilises passive solar design principles, and
  - (v) retains significant vegetation, and
  - (vi) incorporates landscaping within building setbacks and open space areas, and
  - (vii) incorporates adaptable housing to meet the needs of people with disabilities, and
- (d) 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
- (e) to maintain the amenity and low density environment of areas predominantly characterised by detached dwelling-houses, and
- (f) to allow a range of development, ancillary to residential uses, that:
  - (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**

Exempt development and development for the purpose of:  
home activities.

**3 Development allowed only with consent**

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

attached dual occupancies; convenience stores; detached dual occupancies; environmentally integrated housing; telecommunications facilities; villas.

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 neither more than 1 metre cut nor 0.6 metre fill; single storey dwelling-houses with neither more than 1 metre cut nor 0.6 metre fill.

**4 Prohibited development**

Development included in Schedule 3 and development for the purpose of:

apartment buildings; bed and breakfast establishments; home industries; office warehouses; places of assembly; town-houses.

**Zone 2 (a4) (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

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- (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

Exempt development and development for the purpose of:  
home activities.

### 3 Development allowed only with consent

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

apartment buildings; commercial premises in conjunction with shop-top housing; educational establishments; motels; renewable energy facilities; 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.

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 neither more than 1 metre cut nor 0.6 metre fill; single storey dwelling-houses with neither more than 1 metre cut nor 0.6 metre fill.

### 4 Prohibited development

Development included in Schedule 3 (other than development for the purpose of commercial premises in conjunction with shop-top housing, motels, renewable energy facilities; restaurants, shop-top housing and shops in conjunction with shop-top housing) and development for the purpose of:

home industries; places of assembly.

**Zone 2 (b) (Residential 2 (b) Zone)****1 Objectives of zone**

The objectives are:

- (a) to identify residential areas of a predominantly single dwelling, low-density character, and to maintain that character, and
- (b) to ensure that new housing respects and complements the heritage and environmental character of surrounding low-density development, 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, that:
  - (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**

Exempt development and development for the purpose of:  
home activities.

**3 Development allowed only with consent**

Development for the purpose of the following (which is *notifiable 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 neither more than 1 metre cut nor 0.6 metre fill; erection of single-storey dwelling-houses with neither more than 1 metre cut nor 0.6 metre fill.

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### 4 Prohibited development

Development included in Schedule 3 and development for the purpose of:

apartment buildings; environmentally integrated housing; home industries; office warehouses; places of assembly; town-houses; villas.

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

#### 1 Objectives of zone

The objectives are:

- (a) to provide for tourist-orientated activities and housing development that are appropriately located in the village setting, and
- (b) to provide for a range of uses (primarily support services) 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 promote development that encourages public transport use and minimises private traffic generation, and
- (e) to allow a range of development, ancillary to residential uses, that:
  - (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.

#### 2 Development allowed without consent

Exempt development and development for the purpose of:  
home activities.

### 3 Development allowed only with consent

Development for the purpose of:

additions or alterations related to an existing dwelling-house; advertising structures; agriculture (other than dams); bed and breakfast establishments; bush fire fighting establishments; bush fire hazard reduction; cemeteries; child care centres; commercial premises; community facilities; convenience stores; dwelling-houses; dwellings; educational establishments; environmental protection works; exhibition homes; filling of land; health care premises; home businesses; medical practitioners' surgeries; places of worship; public buildings; public utility undertakings; recreation areas; recreation facilities; renewable energy 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.

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

apartment buildings; attached dual occupancies; car repair stations; caravan parks; clubs; detached dual occupancies; environmentally integrated housing; exhibition villages; guest houses; hospitals; hotels; motels; reception establishments; telecommunications facilities; tourist facilities; town-houses; villas.

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 neither more than 1 metre cut nor 0.6 metre fill (that do not increase the number of storeys in the dwelling); different commercial premises use resulting from change of use of commercial premises; different shop use resulting from change of use of a shop; erection of single-storey dwelling-houses with neither more than 1 metre cut nor 0.6 metre fill; internal alterations related to an existing shop; internal alterations related to existing commercial premises.

### 4 Prohibited development

Any development not included in item 2 or 3.

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### **Zone 2 (d) (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 particular regard to the special environmental 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 by minimising the impact of development on the natural environment.

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

Exempt development and development for the purpose of:  
home activities.

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

Development for the purpose of:

additions and alterations related to an existing dwelling; advertising structures; bed and breakfast establishments; bush fire fighting establishments; bush fire hazard reduction; child care centres; community facilities; dwelling-houses; environmental protection works; exhibition homes; filling of land; home businesses; renewable energy facilities; roads; tennis courts in association with a dwelling; utility installations (other than gas holders or generating works).

Development for the purpose of the following (which is *notifiable 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 neither more than 1 metre cut nor 0.6 metre fill.

#### **4 Prohibited development**

Any development not included in item 2 or 3.

**Zone 2 (e) (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
- (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:

additions and alterations to an existing dwelling; dwelling-houses; open space; renewable energy facilities; retaining walls.

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

telecommunications facilities.

**4 Prohibited development**

Any development not included in item 2 or 3.

**Zone 3 (a) (Business 3 (a) (Retail) 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 that will contribute to the economic growth of, and the creation of, employment opportunities within the local government area, and

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- (c) to encourage a wide range of retail, commercial, community, leisure and entertainment facilities in the major business centres of the local government area, and
- (d) to integrate retail and commercial activities within a network of public and civic spaces, and
- (e) to ensure the scale and type of business development within the zone is compatible with the character and amenity of surrounding land, and
- (f) to integrate retail and commercial activities with public transport facilities, and
- (g) to promote development that encourages public transport use and minimises private traffic generation, and
- (h) to provide for mixed use development, including housing, in conjunction with retail, commercial and professional services.

### 2 Development allowed without consent

Exempt development and development for the purpose of:  
home activities.

### 3 Development allowed only with consent

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

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

### 4 Prohibited development

Development for the purpose of:

airline terminals; amusement parks; attached dual occupancies; bus depots; caravan parks; detached dual occupancies; dwelling-houses; exhibition homes; extractive industries; gas holders; generating works (other than renewable energy facilities); helipads; heliports; home industries; industries; institutions; intensive animal industries; intensive horticulture



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establishments; liquid fuel depots; mines; offensive or hazardous industries; road transport terminals; roadside stalls; sawmills; stock and sale yards; timber yards; waste disposal.

**Zone 3 (b) (Business 3 (b) (Commercial) Zone)**

**1 Objectives of zone**

The objectives are:

- (a) to provide land, to support general retail and commercial development of land within Zone 3 (a), in identified centres by providing land for commercial office development and employment in close proximity to the centres, and
- (b) to provide land to support general retail and commercial development of land within Zone 3 (a), in identified centres by providing land for uses that service the needs of activities carried on in those centres and that are complementary to other development within the area, and
- (c) to facilitate a range of business and commercial development using and developing advanced technology products and processes, and
- (d) to provide additional land adjacent to existing commercial centres where a mixture of professional, commercial and residential uses can be carried out, and
- (e) to provide an effective buffer, between land within Zone 3 (a) and adjacent residential areas, that contributes to a safe, liveable, pedestrian oriented environment, and
- (f) to promote development that encourages public transport use and minimises private traffic generation.

**2 Development allowed without consent**

Exempt development and development for the purpose of:  
home activities.

**3 Development allowed only with consent**

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

apartment buildings; clubs; telecommunications facilities;  
town-houses.

Any other development not included in item 2 or 4.

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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:

airline terminals; amusement parks; animal boarding, breeding  
and training establishments; attached dual occupancies; bulky  
goods retailing; bus depots; bus stations; car repair stations;  
caravan parks; detached dual occupancies; dwelling-houses;  
exhibition homes; exhibition villages; extractive industries;  
generating works (other than renewable energy facilities);  
helipads; heliports; home industries; hotels; industries;  
institutions; intensive animal industries; intensive horticulture  
establishments; light industries; liquid fuel depots; mines; motor  
vehicle servicing; offensive or hazardous industries; office  
warehouses; road transport terminals; roadside stalls; rural  
industries; rural workers' dwellings; sawmills; shops; stables;  
stock and sale yards; timber yards; warehouses; waste disposal.

### Zone 3 (c)          (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 from  
land within Zone 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 retailing,  
and
- (d) to provide a buffer between land within Zone 3 (a) and  
adjacent residential areas.

#### 2 Development allowed without consent

Exempt development.

### 3 Development allowed only with consent

Development for the purpose of the following (which is *notifiable 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:

airline terminals; amusement parks; apartment buildings; attached dual occupancies; caravan parks; detached dual occupancies; dwelling-houses; dwellings; exhibition homes; extractive industries; guest houses; home activities; home businesses; home industries; industries; institutions; junk yards; landscape supply establishments; liquid fuel depots; mines; offensive or hazardous industries; retail plant nurseries; road transport terminals; roadside stalls; sawmills; shops (other than those listed in Schedule 4); stock and sale yards; tourist facilities; town-houses; villas; waste disposal.

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

### 1 Objectives of zone

The objectives are:

- (a) to allow a wide range of industrial, warehousing and manufacturing activities, that will contribute to economic and employment growth in the local government area, requiring a range of floor areas, together with ancillary uses, the opportunity to locate within that area, and
- (b) to provide for associated uses to service the convenience needs of the local workforce, and
- (c) to encourage a high standard of industrial development that is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and

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- (d) 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
- (e) to permit generally large-scale retail and display activities that require extensive site areas, and that generate a low return per unit of floor area or that require a relatively free-standing location to facilitate the loading and unloading of goods, but only if such activities cannot appropriately be located in, or do not adversely affect the viability of, services offered in Zone 3 (a), and
- (f) to encourage innovative and imaginative design with particular emphasis on the integration of buildings and landscaped areas, and
- (g) to support the business zones of the local government area.

### 2 Development allowed without consent

Exempt development and development for the purpose of:  
home activities.

### 3 Development allowed only with consent

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

bulky goods retailing; 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:

agricultural products establishments; agriculture; airline terminals; amusement parks; animal boarding, breeding and training establishments; apartment buildings; aquaculture; attached dual occupancies; bed and breakfast establishments; caravan parks; commercial premises (other than banks, timber

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yards and those associated with industries); dams; detached dual occupancies; dwelling-houses; dwellings (other than those ancillary to light industry and situated on land on which the light industry is conducted); environmentally integrated housing; exhibition homes; extractive industries; forestry; guest houses; health care premises; hospitals; industries (other than light industries); institutions; intensive animal industries; intensive horticulture establishments; junk yards; liquid fuel depots; mines; offensive or hazardous industries; places of assembly; public buildings (other than motor registries); reception establishments; retail plant nurseries; road transport terminals; roadside stalls; rural industry; rural workers' dwellings; sawmills; shops (other than those listed in Schedule 4); stables; stock and sale yards; tourist facilities; town-houses; villas.

### **Zone 5 (a) (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 on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, 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 that has been reserved at the request of public authorities for their future acquisition on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, and
- (d) to identify land that has been acquired by private organisations and provide land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas (such as development for the purpose of 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.

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### 2 Development allowed without consent

Exempt development.

### 3 Development allowed only with consent

Development for the purpose of:

- (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; bush fire hazard reduction; community facilities; open space; public buildings; recreation areas; renewable energy facilities; roads; utility installations (other than gas holders or generating works), and

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

open space; railways; renewable energy facilities; roads; utility installations.

Development for the purpose of the following (which is *notifiable 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.

## Zone 5 (b) (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 that land.

### 2 Development allowed without consent

Nil.

**3 Development allowed only with consent**

Development for the purpose of:

bush fire hazard reduction; public utility undertakings; renewable energy facilities; roads; utility installations (other than gas holders or generating works).

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

telecommunications facilities.

**4 Prohibited development**

Any development not included in item 2 or 3.

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

**1 Objectives of zone**

The objectives are:

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

**2 Development allowed without consent**

Nil.

**3 Development allowed only with consent**

Development for the purpose of:

bush fire hazard reduction; drainage works; landscaping; open space; recreation areas; recreation facilities; renewable energy facilities; roads; utility installations.

**4 Prohibited development**

Any development not included in item 2 or 3.

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### **Zone 6 (a) (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 and heritage character of the Baulkham Hills local government area, and
- (b) to identify land that is now owned, or proposed to be owned, by the Council and to provide for the acquisition or dedication of that land for open space or public recreational purposes, and
- (c) to identify land that is owned by the Crown and is under the care, control and management of the Council as public open space, and
- (d) to protect, preserve and enhance areas of urban bushland and fauna habitat corridors that are considered valuable in terms of their natural heritage significance and recreational, educational, aesthetic and scientific value, and
- (e) to provide opportunities for formal and informal recreation and tourist facilities development on publicly owned land for use by the community.

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

Development for the purpose of:

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

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

Development for the purpose of:

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

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

restaurants; telecommunications facilities.



**4 Prohibited development**

Any development not included in item 2 or 3.

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

**1 Objectives of zone**

The objectives are:

- (a) to identify land where private recreation and tourist facilities are located or may be developed, and
- (b) to promote tourism, recreation and entertainment development in appropriate areas.

**2 Development allowed without consent**

Exempt development and development for the purpose of:

bush fire hazard reduction; works for the purposes of landscaping.

**3 Development allowed only with consent**

Development for the purpose of:

advertising structures; agriculture; bush fire fighting establishments; child care centres; community facilities; environmental protection works; filling of land; forestry; leisure facilities; open space; public buildings; recreation areas; recreation facilities; renewable energy facilities; roads; utility installations (other than gas holders or generating works).

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

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

**4 Prohibited development**

Any development not included in item 2 or 3.

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

**1 Objectives of zone**

The objectives are:

- (a) to conserve and enhance the ecological, scenic and environmental attributes of wetland areas, and
- (b) to allow development only where it will not have a significant detrimental effect on wetlands.

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

Development for the purpose of:  
home activities.

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

Development for the purpose of:  
additions or alterations related to existing dwellings; agriculture (other than dams); bush fire hazard reduction; dwelling-houses; environmental protection works; open space; renewable energy facilities.

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

Nil.

### **4 Prohibited development**

Any development not included in item 2 or 3.

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

### **1 Objectives of zone**

The objective is to identify land that is reserved or dedicated under 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**

Nil.

### **4 Prohibited development**

Any development not included in item 2 or 3.

**Zone 10 (a) (Employment Area 10 (a) (Business Park) Zone)****1 Objectives of zone**

The objectives are:

- (a) to provide for new industrial, business and office development that will contribute to the economic and social growth of the local government area, and
- (b) to provide for the special requirements of light 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 light 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, and
- (g) to promote development that encourages public transport use and minimises private traffic generation.

**2 Development allowed without consent**

Exempt development.

**3 Development allowed only with consent**

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

telecommunications facilities.

Any 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; internal alterations related to an existing industrial unit or industrial building (except

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where gross floor area is increased); internal alterations related to existing commercial premises.

#### 4 Prohibited development

Development for the purpose of:

agricultural products establishments; agriculture; amusement parks; animal boarding, breeding and training establishments; apartment buildings; attached dual occupancies; bed and breakfast establishments; bulky goods retailing; bus depots; caravan parks; dams; detached dual occupancies; dwelling-houses; dwellings (other than those ancillary to light industry and situated on land on which the light industry is conducted); environmentally integrated housing; exhibition homes; exhibition villages; extractive industries; forestry; generating works (other than renewable energy facilities); home activities; home businesses; home industries; industries (other than light industries); institutions; intensive animal industries; intensive horticulture establishments; junk yards; liquid fuel depots; mines; offensive or hazardous industries; places of assembly; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; shops; stables; stock and sale yards; town-houses; waste disposal; villas.

## Part 3 Special provisions

### Division 1 Subdivision and demolition

#### 14 Subdivision requires consent

Subdivision of land to which this plan applies may be carried out, but only with development consent.

#### 15 Demolition requires consent

Demolition of a building or work may be carried out on land to which this plan applies, but only with development consent, unless it is exempt development.

#### 16 Subdivision of dual occupancies prohibited

- (1) In this clause, *dual occupancy dwellings* means the dwellings resulting from attached dual occupancy or detached dual occupancy development carried out before or after the commencement of this plan.
- (2) Consent must not be granted for a subdivision of land that consists of or includes dual occupancy dwellings if the subdivision would:
  - (a) create separate land titles for each of the dual occupancy dwellings, or
  - (b) be effected by any agreement, dealing, plan or instrument that renders each of the dual occupancy dwellings available for separate occupation, use or disposition.
- (3) This clause does not prohibit:
  - (a) a subdivision by a strata plan that creates lots substantially corresponding with parts of a building that were shown in the building plans accompanying the building application and designated in those plans as being intended for separate occupation, if the Council's approval for the building was granted before the commencement of *Baulkham Hills Local Environmental Plan 1991 (Amendment No 37)*, or
  - (b) the issue of a certificate of approval for such a strata plan.

#### 17 Saving of right to subdivide certain dual occupancies

- (1) In this clause:

*commencement day* means 18 October 1996, being the day on which *Baulkham Hills Local Environmental Plan 1991 (Amendment No 37)* was gazetted.

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*preserved development* means:

- (a) dual occupancy development the subject of a development consent granted before the commencement day that has been, or may be, carried out in accordance with that consent, or
  - (b) dual occupancy development the subject of a development application made before the commencement day that was or is determined on or after the commencement day by the granting of development consent.
- (2) Despite clause 16, land on which preserved development has been or is carried out may be subdivided so as to allow the creation of separate land titles for each of the two dwellings resulting from the preserved development if the subdivision would have been lawful immediately before the commencement day.

### **18 Subdivision of land in Zones 1 (a), 1 (b), 1 (c), 1 (d) and 7 (a)**

- (1) Subject to subclause (5), land within a zone specified in paragraph (a)–(d) must not be subdivided unless each separate allotment to be created by the subdivision has an area of not less than the area specified in respect of that land:
- (a) Zone 1 (a)—40 hectares,
  - (b) Zone 1 (b)—10 hectares,
  - (c) Zone 1 (c)—2 hectares,
  - (d) Zone 7 (a)—40 hectares.
- (2) Consent must not be granted to a subdivision of land within Zone 1 (d) unless:
- (a) the land forms part of an existing holding, and
  - (b) the number of lots to be created and that the consent authority is satisfied will be used for the purpose of erecting a dwelling-house is not greater than the area of the existing holding, expressed in hectares, divided by 2 and rounded up to the nearest whole number, and
  - (c) the area of each separate allotment to be created is not less than 0.6 hectares.
- (3) An allotment of land created in accordance with subclause (2) must not be further subdivided into lots for the purpose of erecting a dwelling-house.
- (4) Nothing in subclause (3) precludes a subdivision that complies with subclause (2) being carried out in stages.

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- (5) Despite any other provision of this plan, land may be subdivided, with development consent, for any of the following purposes:
- (a) creating a public reserve,
  - (b) creating an allotment or allotments which is or are, or is or are intended to be, used for public purposes, including drainage purposes, bush fire brigade or other rescue service purposes or public convenience,
  - (c) making a minor adjustment to a common boundary between allotments, being an adjustment that does not involve the creation of any additional allotment,
  - (d) rectifying an encroachment on an allotment,
  - (e) consolidating allotments,
  - (f) opening or widening a public road,
  - (g) enlarging the area of any existing allotment, without reducing the area of any other existing allotment below the minimum described in subclause (1).

## Division 2 Residential development

### 19 Minimum site area for apartment buildings, town-houses and villas

Consent must not be granted to development for the purpose of buildings of a kind specified in Column 1 of the Table to this clause unless the total area of the land the subject of the development application is equal to or greater than the area specified in Column 2 in relation to those buildings.

**Table**

<b>Column 1</b>	<b>Column 2</b>
apartment building	4,000m <sup>2</sup>
town-houses	1,800m <sup>2</sup>
villas	1,000m <sup>2</sup>

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### 20    **Smaller minimum site area for apartment buildings, town-houses and villas**

Despite clause 19, consent may be granted to development for the purpose of apartment buildings, town-houses or villas on land that is smaller than the area required by that clause if the Council is satisfied that:

(a)    **Streetscape**

The form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height.

(b)    **Visual and acoustic privacy**

The design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable noise levels and visual privacy.

(c)    **Solar access and design**

The dwellings are designed to minimise energy needs and utilise passive solar design principles.

(d)    **Landscaping and open space**

Significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.

### 21    **Sites adjoining apartment buildings, town-houses and villas**

(1)    Consent must not be granted to the development of land in Zone 2 (a1) for the purpose of apartment buildings, town-houses or villas if the carrying out of the proposed development would, in the opinion of the consent authority, render any allotment adjoining the site of the proposed development incapable of development for the purpose of town-houses because the allotment would not meet the requirements of clause 19.

(2)    Consent must not be granted to the development of:

(a)    land in Zone 2 (a2) for the purpose of town-houses or villas, or

(b)    land in Zone 2 (a3) for the purpose of villas,

if the carrying out of the proposed development would, in the opinion of the consent authority, render any allotment adjoining the site of the proposed development incapable of development for the purpose of villas because the allotment would not meet the requirements of clause 19.



**22 Integrated housing**

Despite any other provision of this plan, development for the purpose of integrated housing may be carried out, but only with development consent, on land:

- (a) that is within Zone 2 (a), 2 (b) or 2 (c), and
- (b) to which the *Sydney Regional Environmental Plan No 19—Rouse Hill Development Area*, as gazetted on 1 September 1989 applies.

**Division 3 Protection of the environment****23 Development of flood liable land**

- (1) Consent must not be granted for development of land that, in the opinion of the consent authority, may be subject to flooding, unless the consent authority has taken into account the following aim of this plan:  
to reduce the impact of flooding on owners and occupiers and to reduce private and public losses resulting from flooding, whilst ensuring the environment is conserved and protected.
- (2) Despite any other provision of this plan, development must not be carried out on land that is subject to the flood standard, except with development consent.

**24 Development near Hawkesbury River**

- (1) This clause applies to all land within Zone 1 (b) that is within 1,000 metres of the bank of the Hawkesbury River.
- (2) A building (other than a loading ramp, jetty, pontoon or the like) must not be erected on land within 30 metres of the bank of the Hawkesbury River.
- (3) The external surface of any building must be constructed of prescribed materials.
- (4) Development may be carried out on land to which this clause applies (including the clearing of any such land of trees or other vegetation) only with development consent.

**25 Protection of riparian land near creeks**

Consent must not be granted to the carrying out of development within 200 metres of a creek, unless the consent authority is satisfied that the development will not have a detrimental impact on natural ecosystems, flora and fauna, water quality, natural drainage channels, visual amenity, flooding, soil erosion or topographical features.

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### 26 Land subject to bush fire hazards

Before granting consent to any development on land that in its opinion is likely to be affected by bush fire, the consent authority must take into account whether:

- (a) the development is likely to have an adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Baulkham Hills Bush Fire Management Committee in accordance with the *Rural Fires Act 1997*, and
- (b) access arrangements to and from the development will increase the hazard to residents, visitors or emergency services, and
- (c) the increased demand for emergency services, during bush fire events created by the development would lead to a decrease in the ability of the emergency services personnel to effectively control major bush fires, and
- (d) the measures adopted to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire control aids such as roads and water supplies are inadequate for the locality or would result in unacceptable environmental impacts.

### 27 Tree and bushland management

- (1) The aim of this provision is to maintain and enhance the visual amenity of the local government area of Baulkham Hills through the effective control and management of actions likely to affect the health of trees and bushland.
- (2) This clause applies to any tree (including a habitat tree) or bushland, except as otherwise provided by this clause.
- (3) Except in accordance with a development consent or permit granted by the Council, a person must not ring-bark, cut down, top, lop, remove, injure or wilfully destroy any tree or bushland.
- (4) Except in accordance with a development consent, the carrying out of any filling or excavating (excluding top dressing, gardening, paving on a sand base and the like) within the area vertically beneath the foliage of a tree or bushland is prohibited.

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- (5) Despite subclauses (2) and (3), the following may be removed without a development consent or permit granted by the Council:
- (a) trees in a State forest or on land reserved as a timber reserve within the meaning of the *Forestry Act 1916*, trees required to be trimmed or removed under section 48 of the *Electricity Supply Act 1995* or trees or bushland on land reserved or dedicated under the *National Parks and Wildlife Act 1974*, or
  - (b) trees or bushland of a species that has been declared a noxious weed under the *Noxious Weeds Act 1993*, or
  - (c) a fruit tree or tree grown for the purposes of fruit or fodder, excluding naturally growing native fruiting species, or
  - (d) a tree of any of the following species:
    - Alnus jorrullensis* (Evergreen Alder)
    - Populus nigra "Italica"* (Lombardy Poplar)
    - Pittosporum undulatum* (Sweet Pittosporum)
    - Eucalyptus nicholii* (Narrowed Leaved Peppermint)
    - Schefflera actinophylla* (Umbrella Tree)
    - Ficus elastica* (Indian Rubber Tree)
    - Acer negundo* (Box Elder Maple)
    - Salix babylonica* (Willow Tree)
    - Gleditsia triacanthus* (Honey Locust)
    - Ligustrum lucidum* (Broad Leaved Privet)
    - Ligustrum sinense* (Small Leaved Privet)
    - Olea europaea* (Wild Olive)
    - Robina pseudoacacia* (False Acacia/Black Locust)
    - Toxicodendron succedaneum* (Rhus Tree)
    - Syagrus romanzoffianum* (Cocos Palm)
- (6) This clause does not require development consent or a permit to allow the ring-barking, cutting down, topping, lopping, removal, injury or wilful destruction of a tree or bushland:
- (a) if the tree is not a habitat tree and the tree was dying, dead or dangerous and:
    - (i) the tree poses an imminent danger to property or life, or
    - (ii) the action is necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the tree, or
  - (b) if the action is required or allowed to be carried out by or under the *Rural Fires Act 1997* without development consent, or
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- (c) if an application for a permit to allow the action was made to Council and the Council did not within 21 days serve the person who made the application with notice that it opposed the action being taken.

### 28 Clearing of bushland in Zone 1 (a), 1 (b), 1 (c), 1 (d) or 7 (a) requires consent

Despite any other provisions of this plan, clearing of bushland in Zone 1 (a), 1 (b), 1 (c), 1 (d) or 7 (a) may be carried out only with development consent, unless the clearing consists of:

- (a) an activity required or allowed to be carried out by or under the *Rural Fires Act 1997* without development consent, or
- (b) bush fire hazard reduction works a land owner has otherwise been lawfully directed to carry out by a member of the NSW Rural Fire Service or the State Emergency Service.

### 29 Development on land identified on Acid Sulfate Soils Planning Maps

- (1) *Acid Sulfate Soils Planning Maps* means the series of maps prepared by the former Department of Urban Affairs and Planning and dated December 1997, held in the offices of the Department of Infrastructure, Planning and Natural Resources.
- (2) A person must not, without development consent, carry out works described in the following Table on any land of a class specified in that Table for those works, except as provided by subclause (4).

Class of land as shown on Acid Sulfate Soils Planning Maps	Works
------------------------------------------------------------	-------

1	Any works
2	Works below natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3, or 4 land

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- (3) For the purposes of the Table to subclause (2), *works* includes:
- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies, (including canals, dams and detention basins) or foundations, or flood mitigation works), or
  - (b) any other works that are likely to lower the watertable.
- (4) This clause does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
  - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.
- (5) A consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
  - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
  - (c) any comments received from the Department within 40 days of the Council having sent the Department a copy of the development application.
- (6) This clause requires consent for development to be carried out by councils, county councils or drainage unions despite:
- (a) clause 35 of, and items 2 and 11 of Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
  - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.

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### 30 Land affected by geotechnical hazard

Consent must not be granted to the carrying out of development on land shown stippled black and labelled “Geotechnical Assessment Area” on the map unless the consent authority 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.

### 31 Advertising structures and advertisements

- (1) A person must not erect or display an advertising structure or advertisement without development consent, except as exempt development.
- (2) Consent may be granted to the erection or use of an advertising structure only where it advertises the purpose for which the premises or land on which it stands is used.
- (3) The Council may erect advertising structures on land within Zone 1 (a), 1 (b), 1 (c) or 1 (d) for the purpose of directing the travelling public to tourist areas or for the purpose of displaying private advertisements to tourist facilities.
- (4) The use of public land to display an advertisement for a commercial purpose on a trailer is prohibited. This subclause does not apply to a trailer attached to a motor vehicle while the vehicle and trailer are otherwise lawfully on the carriageway of a public street.
- (5) The erection of any form of advertising sign attached to a telegraph pole, tree, street post or the like is prohibited.
- (6) This clause does not affect the application of *State Environmental Planning Policy No 64—Advertising and Signage* to land to which this plan applies.

### 32 Extractive industries

Consent must not be granted to the carrying out of development for the purpose of extractive industries unless the consent authority has given consideration to the following:

- (a) social, economic and environmental impacts of the proposed development and the management of those impacts,
- (b) the extent to which internationally and nationally recognised environmental standards may be implemented in carrying out the proposed development,
- (c) the extent of community consultation about and involvement in all phases of the proposed development,

- (d) the existence, nature and level of detail of sound technical parameters for carrying out the proposed development in an environmentally sensitive manner,
- (e) the conservation of the biological and cultural diversity and quality of land within the Baulkham Hills local government area,
- (f) the impact of the proposed development on the archaeological resources of the site,
- (g) the impact on the cultural landscape, including any significant views and vistas to or from heritage items located in the vicinity of the proposed development,
- (h) a proposed program for remediation of the site and for post extractive industry usage,
- (i) the impact of the proposed development on surface water and groundwater resources,
- (j) the impact of the proposed development on native vegetation (trees, shrubs and groundcover species) including threatened species,
- (k) the impact of the proposed development on native fauna habitat,
- (l) the provision of an adequate setback of not less than 40 metres from the top bank of a watercourse to the extraction operations.

**33 Development within Zone 2 (e)**

- (1) Consent must not be granted to the carrying out of any of the following development on land within Zone 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,
  - (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,

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- (d) excavation or filling of land to a depth or height of more than 300mm from the existing surface level,
  - (e) the erection of or installation of:
    - (i) any concrete or fibreglass swimming-pool, or
    - (ii) an above-ground swimming-pool (unless the swimming-pool is less than 1 metre deep),
  - (f) a subdivision for the purpose of creating additional lots to be used for residential purposes.
- (2) A person may, with development consent:
- (a) erect a shed or carport, if it is of a lightweight and flexible material, or
  - (b) replace or reclad the walls of an existing dwelling in lightweight, flexible materials.
- (3) Consent must not be granted to any development that involves the erection of a structure on any land and is allowed to be carried out because of an exception to subclause (1) or because of subclause (2) unless the consent authority is satisfied that a suitably qualified engineer experienced in soil and rock mechanics has certified that the structure is suitable for the land, having regard to the geotechnical constraints of the land.
- (4) In this clause:
- existing dwelling* and *existing dwelling-house* means a dwelling or dwelling-house as it existed on 1 February 2002, being the day on which *Baulkham Hills Local Environmental Plan 1991 (Amendment No 92)* commenced.
- existing surface level*, in relation to land, means the surface level of the land on that day.

### 34 Environmental management and monitoring

Consent must not be granted to development within Zone 1 (a), 1 (b), 1 (c), 1 (d), 7 (a) or 8 (a), unless the consent authority is satisfied that the proposed development takes into account the following environmental features adequately and that those features will continue to be monitored:

- (a) water quality,
- (b) soil erosion,
- (c) air quality,
- (d) noise,
- (e) salinity,



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- (f) bush fire hazard,
  - (g) flora and fauna,
  - (h) the continued monitoring of the above issues.

## **Division 4 Heritage conservation**

### **35 Protection of heritage items, relics and heritage conservation areas**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
  - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
  - (c) altering a heritage item or a building, work, relic, or place within a heritage conservation area by making structural changes to its interior,
  - (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (e) moving the whole or a part of a heritage item or a building, work, relic, tree or place within a heritage conservation area,
  - (f) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.
- (2) Development consent is not required by this clause if:
  - (a) in the opinion of the Council:
    - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, relic, tree or place within a heritage conservation area, and
    - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
  - (b) the proponent has notified the Council in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.

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- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, or to relics in the form of grave goods:
  - (a) the creation of a new grave or monument, or
  - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues).
- (6) The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan or if the proposed development affects a heritage item designated in Schedule 1 as being of State or regional significance.
- (7) The minimum number of issues that must be addressed by the heritage impact statement are:
  - (a) for development that would affect a heritage item:
    - (i) the heritage significance of the item as part of the environmental heritage of the Baulkham Hills local government area, and
    - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
    - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
    - (iv) whether any relic would be adversely affected by the proposed development, and
    - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
  - (b) for development that would be carried out in a heritage conservation area:
    - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and

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- (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
  - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
  - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
  - (v) whether any landscape or horticultural features would be affected by the proposed development, and
  - (vi) whether any relic would be affected by the proposed development, and
  - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern.
- (8) Where it is proposed to develop or demolish a building, relic or structure not listed in Schedule 1 that is older than fifty years, the consent authority may require the submission of a heritage impact statement that addresses issues referred to in subclause (7) so as to enable it to fully consider the impact of the development upon the significance of the building, relic, or structure.
- (9) The consent authority must decline to grant a consent required by this Division if any heritage impact assessment or conservation management plan submitted for consideration in connection with the development application has not been prepared in accordance with the principles of the *ICOMOS Burra Charter* and to a standard acceptable to the Council.

**36 Advertised heritage development**

The following development is identified as advertised development for the purposes of the Act:

- (a) the demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 40 (Conservation incentives).

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### **37 Notice of demolition to Heritage Council**

Before granting consent for the demolition of a heritage item identified in Schedule 1 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

### **38 Development affecting archaeological sites of non-Aboriginal heritage significance**

- (1) Before granting consent for development that will be carried out on an archaeological site that has non-Aboriginal heritage significance the consent authority must:
  - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
  - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
  - (b) is integrated development.

### **39 Development in vicinity of a heritage item or heritage conservation area**

- (1) Before granting consent to development in the vicinity of a heritage item or a heritage conservation area, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area.
- (2) This clause extends to development:
  - (a) that may have an impact on the setting of a heritage item or heritage conservation area, for example, by affecting a significant view to or from the item or conservation area, or by overshadowing, or
  - (b) that may undermine or otherwise cause physical damage to a heritage item or heritage conservation area, or
  - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or heritage conservation area.

- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or heritage conservation area.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item or heritage conservation area.

**40 Conservation incentives**

The consent authority may grant consent to:

- (a) the use for any purpose of a building that is a heritage item, or of the land on which any such building is erected, or
- (b) the use for any purpose of a building that has heritage significance and is situated within a conservation area, or of the land on which any such building is erected, even though the use would otherwise not be allowed by this plan, if:
  - (i) it is satisfied that the conservation or retention of the heritage item depends on the granting of consent, and
  - (ii) the proposed use will be in accordance with a conservation management plan that has been endorsed by the consent authority, and
  - (iii) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
  - (iv) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
  - (v) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

**41 Development in heritage conservation areas**

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.

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- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
- (a) the pitch and form of the roof (if any),
  - (b) the style, size, proportion and position of the openings for windows or doors (if any),
  - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

### **Division 5            Acquisition and interim development of reserved land**

#### **42    Land within Zone 5 (a) (other than community facility or local open space land) and Zone 5 (c)**

- (1) The owner of any land within Zone 5 (a) or 5 (c) may, by notice in writing, require:
- (a) in the case of land within Zone 5 (a) and lettered on the map “Educational Establishment” (unless the land is lettered “Educational Establishment (Private)” on the map) the Minister for Education and Training, or
  - (b) in the case of land within Zone 5 (a) and lettered on the map “Water Storage”, “Pumping Station”, “Sewage Treatment Works” or “Trunk Drainage”, Sydney Water Corporation, or
  - (c) in the case of land within Zone 5 (a) and lettered on the map “Railways”, Rail Corporation New South Wales, or
  - (d) in the case of land within Zone 5 (a) and lettered on the map “Telephone Exchange”, Telstra Corporation Limited, or
  - (e) in the case of land within Zone 5 (a) and lettered on the map “Electricity Generation”, Transgrid, or
  - (f) in the case of land within Zone 5 (a) and lettered on the map “High Voltage Electricity Supply”, TransGrid, or
  - (g) in the case of land within Zone 5 (a) and lettered on the map “Hospital” (unless the land is lettered “Hospital (Private)” on the map) the Health Administration Corporation, or
  - (h) in the case of land within Zone 5 (c) and lettered on the map “Trunk Drainage and Conservation Zone”, Sydney Water Corporation,
- as the public authority that has responsibility for acquisition of the land for the purpose for which the land is zoned, to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), the public authority concerned must acquire the land.

- 
- (3) Until the land referred to in subclause (1) (or land within Zone 5 (a) shown lettered "Post Office" on the map) is acquired by the public authority concerned, development may be carried out on that land, but only with development consent.
  - (4) Consent may be granted to the carrying out of development of land to be acquired by a public authority before it is acquired only with the concurrence of the public authority.
  - (5) Such a consent may be granted subject to conditions requiring any one or more of the following, with or without the payment of compensation by the public authority:
    - (a) the removal of the building or work for which consent is granted,
    - (b) the reinstatement of the land or removal of any waste materials or refuse,
    - (c) compliance with any condition requested by the public authority in granting its concurrence.
  - (6) In considering whether to grant concurrence required by subclause (4), the public authority concerned must take into consideration:
    - (a) the effect of the proposed development on the costs of acquisition, and
    - (b) the imminence of acquisition.
  - (7) In considering whether to grant concurrence under subclause (4), Sydney Water Corporation must take into consideration, in addition to the matters referred to in subclause (6), the following matters:
    - (a) the need to ensure the efficient operation of the trunk drainage system,
    - (b) the potential threat to life and property during flood,
    - (c) the cost of reinstatement of the land for the purposes for which the land is to be acquired,
    - (d) the requirements of any management plan that Sydney Water Corporation has identified as being relevant to that land,
    - (e) any risks to Sydney Water Corporation associated with the proposal,
    - (f) the compatibility of the proposed development with a Sydney Water Corporation use,
    - (g) the proposed operating and management arrangements,
    - (h) the impact of the proposed development on Sydney Water Corporation's infrastructure.
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### 43 Land reserved for roads

- (1) The owner of land within Zone 5 (b) that is a classified road may, by notice in writing, require the RTA to acquire the land if:
  - (a) the land is included in the 5 year works program of the RTA current at the time of the receipt of the notice, or
  - (b) the RTA has decided not to grant concurrence under subclause (4) to an application for consent to the carrying out of development on the land, or
  - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (2) The owner of any land within Zone 5 (b) that is not a classified road, may, by notice in writing, require the Council to acquire the land if:
  - (a) the land is included in a current works program of the Council or a program of Council for the acquisition of land by the Council, or
  - (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) On receipt of a notice under this clause, the RTA or the Council, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (4) A person may, with development consent and, if the Council is not the acquiring authority, with the concurrence of the RTA, carry out development on land within Zone 5 (b):
  - (a) if the development may be carried out on land in an adjoining zone, or
  - (b) if the development is compatible with development that may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
  - (a) the need to carry out development on the land for the purposes of classified roads or proposed classified roads, within the meaning of the *Roads Act 1993*, and
  - (b) the imminence of acquisition, and
  - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (6) Land acquired under this clause may be developed with development consent for any purpose, until such time as it is required for the purpose for which it was acquired.



- (7) Despite any other provision of this plan, the owner of any land within a corridor identified as a public transport corridor (stippled black) on the map marked “Sydney Regional Environmental Plan No 18—Public Transport Corridors” may, by notice in writing, require the Corporation to acquire the land if:
- (a) the land is included in a current priority programme for acquisition determined by the Corporation, or
  - (b) the Corporation is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,
- but the Corporation is not required to acquire the land if it might reasonably be required to be dedicated as a condition of consent to a development application.
- (8) On receipt of such a notice, the Corporation must acquire the land.
- (9) Notwithstanding any other provisions of this plan:
- (a) a person is not to carry out development on land identified as a public transport corridor (stippled black) on the map marked “Sydney Regional Environmental Plan No 18—Public Transport Corridors”, and
  - (b) consent must not be granted to the carrying out of development on land within, or in the immediate vicinity of, such land, otherwise than in accordance with the provisions of *Sydney Regional Environmental Plan No 18—Public Transport Corridors*.
- (10) In this clause:
- the Corporation*** means the Corporation constituted by section 8 (1) of the Act.
- the RTA*** means the Roads and Traffic Authority of New South Wales constituted under the *Transport Administration Act 1988*.

#### **44 Land reserved for community facilities and local open space**

- (1) The owner of any land within Zone 5 (a) and lettered on the map “Community Facility” or any land within Zone 6 (a) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of such a notice, the Council must acquire the land if:
- (a) the land is included in a program for the acquisition of land by the Council current at the time of receipt of the notice, or

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- (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time, but the Council is not required to acquire the land if it might reasonably be required to be dedicated as a condition of consent to a development application.
- (3) Until the land referred to in subclause (1) is acquired by the Council, a person may, with development consent, carry out development on that land.
- (4) Such a consent may be granted subject to conditions requiring either or both of the following, with or without the payment of compensation by the Council:
  - (a) the removal of the building or work for which consent is granted,
  - (b) the reinstatement of the land or removal of any waste material or refuse.
- (5) In considering whether to grant consent as referred to in subclause (3), the consent authority must take into consideration:
  - (a) the effect of the proposed development on the cost of acquisition, and
  - (b) the imminence of acquisition.
- (6) Land acquired under this clause may be developed with development consent for any purpose, until such time as it is required for the purpose for which it was acquired.

### **Division 6        Miscellaneous**

#### **45    Adequacy of services to be considered**

- (1) Consent must not be granted for the erection of a building, the carrying out of a work or a change of building use unless the consent authority is satisfied that adequate arrangements have been made for any provision or augmentation of the following that will be needed because of the carrying out of the proposed development:
  - (a) a water supply, and sewerage or drainage services,
  - (b) an electricity supply or telephone service,
  - (c) roads.
- (2) Consent must not be granted to the carrying out of development for the purpose of apartment buildings, exhibition villages, shop-top housing, town-houses or villas unless the development is able to be connected to a Sydney Water Corporation sewerage system.

**46 Infrastructure development**

- (1) Nothing in this plan restricts, prohibits, or requires the Council to obtain its own consent for development by the Council on land within any zone for the purpose of roads, cycleways, stormwater drainage, recreation areas, landscaping, gardening, bush fire hazard reduction, riverbank stabilisation or restoration, wetland protection or rehabilitation, public amenities or parking.
- (2) A person other than the Council may, with development consent, carry out development referred to in subclause (1) on land within any zone if the development is carried out in conjunction with development for the purpose of a parking area that is ancillary to development permissible in that zone.

**47 Restrictions on development of public open space**

- (1) Consent must not be granted to the carrying out of development on land within Zone 6 (a), being land owned or controlled or proposed to be owned or controlled by the Council, unless the consent authority has considered:
  - (a) the need for the proposed development of that land, and
  - (b) the impact of the proposed development on the existing or likely future use of the land, and
  - (c) the need to retain the land for its existing or likely future use.
- (2) Consent must not be granted for a subdivision of land, some of which is within Zone 6 (a), unless the land within that zone will become a separate allotment.
- (3) Despite subclause (2), consent may, where the topography of the land to be subdivided makes it necessary, be granted for a subdivision in which the boundaries of the separate allotment referred to in that subclause do not correspond precisely with the boundaries of the land within Zone 6 (a), as shown on the map, but which vary only to a minor extent.

**48 Community use of school facilities or site**

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.

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- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

### 49 Temporary use of non-residential land

- (1) This clause applies to all land to which this plan applies other than land within Zone 2 (a), 2 (a1), 2 (a2), 2 (a3), 2 (a4), 2 (b), 2 (c), 2 (d) or 2 (e).
- (2) Despite any other provision of this plan, a person may, without development consent, carry out development of land to which this clause applies for the purpose of a market, circus, auction, or for a community purpose, for a maximum of 14 days in any calendar year.
- (3) A person must not carry out any such development unless the person has given the Council a notice of the person's intention to carry out the development and at least 28 days have elapsed since the notice was given. Such a notice only operates in relation to development carried out within 12 months of the date on which the notice is given.

### 50 Roads providing access to a public road

A road that provides access to an existing public road must not be opened unless development consent has been obtained for construction of the road.

### 51 Vehicular access from urban land to a classified road

- (1) This clause applies to all land within Zone 2 (a), 2 (a1), 2 (a2), 2 (a3), 2 (a4), 2 (b), 2 (c), 2 (d), 2 (e), 3 (a), 3 (b), 3 (c), 4 (b) or 10 (a).
- (2) A person must not carry out development on land to which this clause applies, being land that adjoins a classified road, unless vehicular access to and from the land is made by way of another road (not being a classified road).
- (3) However, if subclause (2) is the only requirement that prevents the development from being able to be carried out, consent may be granted to allow that development even though it will require permanent vehicular access to and from a classified road, but only if, in the opinion of the consent authority, alternative access to the site of the proposed development is neither practical nor able to be provided by another road (or by a proposed road identified in a development control plan).

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- (4) Despite clause 5 of *State Environmental Planning Policy No 11—Traffic Generating Developments*, before consenting to any development that will require access to a classified road, the consent authority must:

- (a) give notice of the proposal to the Roads and Traffic Authority, and
- (b) take into account any response made by that Authority within 21 days of the notice being given,

unless the consent authority is required to forward a copy of the development application to that Authority because the development is specified in Schedule 1 or 2 to that Policy.

#### **52 Considerations for development along classified roads**

- (1) This clause applies to land within Zone 1 (a), 1 (b) or 1 (c) that has, or is proposed to have, direct vehicular access to a classified road.
- (2) Consent must not be granted to the carrying out of development for the purpose of agricultural products establishments, caravan parks, clubs, educational establishments, firewood establishments, hospitals, institutions, landscape supply establishments, places of worship, reception establishments, recreation establishments, restaurants, retail plant nurseries, roadside stalls, service stations, stock and sale yards or waste disposal on land to which this clause applies unless the consent authority has given consideration to:
  - (a) the availability of access to the land from a road that is not a classified road, and
  - (b) the limits of visibility to and from existing or proposed points of egress and ingress, and
  - (c) the speed limit applicable to roads in the vicinity of the land, and
  - (d) road improvements necessary to render safe any existing or proposed pedestrian and vehicular egress and ingress points to the site, and
  - (e) any relevant requirements of the Roads and Traffic Authority, and
  - (f) local road conditions, and
  - (g) any recent accident history in the locality, and
  - (h) the potential for unsafe pedestrian movements, and
  - (i) the need for street lighting, and
  - (j) the visual impact of the proposed development.

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### 53    Development that is prohibited along classified roads

Despite any other provision of this plan, consent must not be granted to development for the purpose of the following along a classified road:

- (a) convenience stores, service stations or shops, unless on land in Zone 3 (a),
- (b) restaurants, unless on land in Zone 1 (b), 1 (c), 2 (c) or 3 (a),
- (c) bulky goods retailing, unless on land in Zone 3 (a) or 3 (c).

### 54    Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 5:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except those (if any) specified opposite the description of the land in Column 3 of Part 2 of Schedule 5.
- (4) In this clause, the ***relevant amending plan***, in relation to land described in Part 2 of Schedule 5, means this plan, or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (5) Before the relevant amending plan inserted the description of land into Part 2 of Schedule 5, the Governor approved of subclause (3) applying to the land.

### 55    Rouse Hill Regional Centre

- (1) Consent must not be granted to the carrying out of development on land within the Rouse Hill Regional Centre unless the Council has taken into consideration:
  - (a) the document entitled *Rouse Hill Regional Centre Background Report*, as adopted by the Council, and

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- (b) any recommendations and observations made by the Department, 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)”.

**56 Additional development allowed on certain land**

- (1) Nothing in this plan prevents a person, with development consent, from carrying out development on land referred to in Column 1 of Schedule 6 if the development is specified in Column 2 of that Schedule in relation to that land, subject to such conditions (if any) as are so specified in Column 3 of that Schedule in relation to that land.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted in respect of the development.

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Baulkham Hills Local Environmental Plan 2005

Schedule 1 Heritage items

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### Schedule 1 Heritage items

(Clause 5 (1))

#### Part 1 Archaeological sites

##### Castle Hill Road

Cumberland State Forest, Bellamy Quarry and Sawpit, Lots 1–7 and 15–17, DP 11133 and Lot 1, DP 343971, 89–97 Castle Hill Road, West Pennant Hills (Regional)

##### Glenhaven Road

House ruins, Lot 151, DP 869424, Cattai Creek Conservation Area Reserve No 416, No 194Z Glenhaven Road, Kellyville (Local)

##### Halcrows Road

Private burial ground, Lot 3, DP 701464, No 660 Halcrows Road, Cattai (Local)

##### Loyalty Road

Quarry, Lot 9, DP 248626, Excelsior South Reserve No 45, 10Z Loyalty Road, North Rocks (Local)

Ruins of stone cottage, Lot 1, DP 228581, Excelsior South Reserve No 45, 10Z Loyalty Road, North Rocks (Local)

##### O'Briens Road

Ruins of Merrymount, Lot 1, DP 571759, No 74 O'Briens Road, Cattai (Regional)

##### Old Northern Road

Baulkham Hills Tramway Cutting, Lot 929, DP 752028, George Suttor Reserve No 84, No 9Z Old Northern Road, Baulkham Hills (Local)

Original section of road, Lot 131, DP 752039, Crown Reserve No 74422, Old Northern Road, Maroota (Regional)

Original section of road, in front of Lot 100, DP 650454, Old Northern Road, Maroota (Regional)

Bypassed section of road, Lot 231, DP 752039, Crown Reserve R88205, Old Northern Road, Maroota (Regional)

Bypassed section of road, in front of Lot 238, DP 752039, Old Northern Road, Maroota (Regional)

Old Northern Road, the road, between Dural and Wisemans Ferry (State)

Convict road station, Lot 4, DP 228881, Old Northern Road, Wisemans Ferry (State)

Two quarries, Lot 4, DP 228881, Old Northern Road, Wisemans Ferry (Regional)



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Watering hole, part of road reserve adjacent to Lot 471, DP 827645, Old Northern Road, Wisemans Ferry (Regional)

Bridge and culvert, part of road reserve, near Lot 4, DP 228881, Old Northern Road, Wisemans Ferry (Local)

**Old Pitt Town Road**

Bypassed section of road, within road reserve in front of Nos 162–170 Old Pitt Town Road, Box Hill (Local)

**Old Windsor Road**

Road, culvert and remnant post and rail fencing within the road reserve between Seven Hills Road and Windsor Road (State)

**River Road**

Convict built road (Mr Sharps Track), Lots 26 and 64, DP 752025, Nos 2275 and 2277–2349 River Road, Leetsvale and Lot 11, DP 1052320, Nos 2391–2429 River Road, Wisemans Ferry (State)

Convict built road (Mr Sharps Track), Crown Road Reserve between Lot 990, DP 818576 and Lot 11, DP 1052320 (between Nos 2475–2483 and 2391–2429 River Road), Wisemans Ferry (State)

Convict built road (Mr Sharps Track), within Crown land, Parish of Cornelia, (DP 752025), Wisemans Ferry (State)

**Speers Road**

Retaining wall, Lot 171, DP 23173, Nos 23–27 Speers Road, North Rocks (Local)  
Dam, Lot H, DP 438487, Speers Road Crown Reserve No 37, 19–21 Speers Road, North Rocks (Local)

**Windsor Road**

Stone bridge approaches and foundation plaque, Sydney Woollen Mills, Lot 1, DP 112482, Windsor Road, North Parramatta (Local)

Queens Arms Inn site, Lot 4001, DP 1024171, Windsor Road, Rouse Hill (Regional)

**Wisemans Ferry Road**

Quarry site, Lot 31, DP 136837, “The Ridge” No 196 Wisemans Ferry Road, Cattai (Local)

Drainage trench and gate, Pt Lot 40, DP 752039, Nos 21 and 50 Wisemans Ferry Road, Cattai (Local)

Slab hut ruin and quarry site, Lot 37, DP 752039, and Pt Lot 38, DP 136838, No 76 Wisemans Ferry Road, Cattai (Local)

Old Caddie Homestead foundations and european dugout canoe, Lot 2, DP 605329, Nos 2–18 Wisemans Ferry Road, Cattai (Regional) (State)

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Schedule 1      Heritage items

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Hope Farm Windmill (State), Hope Farm Mill Granary (Regional) and Stockmans Cottage foundations (Regional), Pt Lot 40, DP 752039, Wisemans Ferry Road, Cattai Horseworks, Lot 1, DP 605329, Cattai National Park, Nos 20–34 Wisemans Ferry Road, Cattai (Local)

Great drain and stone cut foundations, Lot 10, DP 752039, Stone Drain Reserve No 509, Wisemans Ferry Road, South Maroota (Regional)

## **Part 2 Buildings, trees and works**

### **Acres Road**

House, Lot 44, DP 235228, No 29 Acres Road, Kellyville (Local)

### **Annangrove Road**

House, Lot 1, DP 135820, No 37 Annangrove Road, Annangrove (Local)

House, Lot 1, DP 229987, No 44 Annangrove Road, Annangrove (Local)

House, Lot 2, DP 529043, No 221 Annangrove Road, Annangrove (Local)

House, Lot 3, DP 222080, No 288 Annangrove Road, Rouse Hill (Local)

### **Aberdour Avenue**

Rouse Hill Cemetery, Lot 50 and Pt Lot 51, DP 193021, Nos 10 and 12 Arberdour Avenue, Rouse Hill (Local)

### **Banks Road**

House, Lot E, DP 361052, No 7 Banks Road, Castle Hill (Local)

### **Bettington Road**

“Strathallen”, Lots 1–29, SP 46498, No 49 Bettington Road, Oatlands (Local)

### **Bevan Place**

“Havilah”, stables, Lot 202, DP 803443, No 25 Bevan Place, Carlingford (Local)

“Havilah House”, Lot 3, DP 788924, No 29 Bevan Place, Carlingford (Local)

### **Blue Gum Road**

House, Pt Lot 4, DP 236989, No 7 Blue Gum Road, Annangrove (Local)

### **Boundary Road**

House, Pt Lot 106, DP 332184, Nos 489–491 Boundary Road, Maraylya (Local)

### **Campbell Road**

“Sunnycrest”, Lot 3, DP 586786, No 2 Campbell Road, Kenthurst (Local)

**Caprera Road**

“Caprera House”, Lot 21, DP 834190, No 63 Caprera Road, Northmead (Local)

**Castle Hill Road**

“Glenhope”, Lot 7, DP 1012463, No 113 Castle Hill Road, West Pennant Hills (State)

“Dunrath”, Lot 1, DP 220867, No 139 Castle Hill Road, West Pennant Hills (Local)

“Fairholme”, Lot 1, DP 135921, Lot 2, DP 135921 and Lot A DP 329990, No 157 Castle Hill Road, Castle Hill (Local)

**Cattai Ridge Road**

Slab hut, Lot 31, DP 872356, No 2A Cattai Ridge Road, Maraylya (Local)

House, Lot 2, DP 402457, No 41 Cattai Ridge Road, Glenorie (Local)

House, Lot 3, DP 624003, No 79 Cattai Ridge Road, Glenorie (Local)

“Abergeldie”, Lot 1, DP 540834, No 95 Cattai Ridge Road, Glenorie (Local)

House, Lot 1, DP 316917, No 124 Cattai Ridge Road, Glenorie (Local)

**Chapel Hill Road**

Uniting church and cemetery, Lot 1, DP 817086, No 520 Chapel Hill Road, Sackville North (Regional)

The Parsonage, uniting church and cemetery, Lot 3, DP 740110, No 560 Chapel Hill Road, Sackville North (Regional)

**Coonara Avenue**

“Erambie Park”, Lot 2032, DP 862072, No 37 Coonara Avenue, West Pennant Hills (Local)

**Cranstons Road**

“Broadlands”, Lot 2, DP 624488, No 15 Cranstons Road, Middle Dural (Local)

House, Lot 1, DP 514642, No 45 Cranstons Road, Middle Dural (Local)

**Cross Street**

House, Lot 1, DP 213055, No 31 Cross Street, Baulkham Hills (Local)

**Derriwong Road**

Uniting Church Cemetery, Lot 1, DP 195296, No 14 Derriwong Road, Dural (Local)

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### **Ellis Street**

Cottage, Lot 22, DP 618939, No 15 Ellis Street, Oatlands (Local)

### **Englart Place**

“Chelsea Farm”, Lot 9, DP 255911, Nos 8 and 10 Englart Place, Baulkham Hills (Regional)

Norfolk Pine *Araucaria leterophylla*, marking original location of driveway for Chelsea Farm, Lot 11, DP 255911, No 14 Englart Place, Baulkham Hills (Local)

### **Excelsior Avenue**

“Bellerive”, Lot 1, DP 516491, Nos 164 and 166 Excelsior Avenue, Castle Hill (Local)

### **Fuggles Road**

House, Lot 5, DP 534130, No 11 Fuggles Road, Kenthurst (Local)

### **Garemyn Road**

House, Lot 1, DP 214398, No 12 Garemyn Road, Middle Dural (Local)

### **Garthowen Crescent**

“Garthowen”, Lot 2, DP 533390, No 14 Garthowen Crescent, Castle Hill (Local)

### **Gilbert Road**

Cemetery, RE 22886, Gilbert Road, Castle Hill (Local)

### **Gleeson Avenue**

Bunya Pine *Araucaria bidwillii*, marking original driveway for Chelsea Farm, Lot 1, DP 244012, Tony Burn Reserve No 171, 13Z Gleeson Avenue, Baulkham Hills (Local)

### **Glenhaven Road**

“Rosenfels”, Lot 1, DP 602286, No 23 Glenhaven Road, Glenhaven (Local)

Emmanuel Anglican Church, Lot 1, DP 570746, Glenhaven Road, Glenhaven (Local)

### **Glenroy Place**

“Glenroy”, cottage, Lot 1, DP 253879, No 1 Glenroy Place, Middle Dural (Local)

### **Greyfriar Place**

“Mount Saint Francis”, Lot 5, DP 1040498, No 8 Greyfriar Place, Kellyville (Local)

**Hafey Road**

House and barn, Lot 4, DP 239886, No 1 Hafey Road, Kenthurst (Local)

**Halcrows Road**

Felton Mathew Marked Tree, Lot 18, DP 752039, Halcrows Road, Cattai (Regional)

“Rose Park”, Lot 152, DP 1019110, Nos 657–701 Halcrows Road, Cattai (Local)

William Daley’s grave, Lot 152, DP 1019110, Nos 657–701 Halcrows Road, Cattai (Local)

**Henry Street**

“The Palms”, Lot 1, DP 23482, Henry Street, Baulkham Hills (Local)

“Yootha Park”, Lot 7, DP 221937, No 11 Henry Street, Baulkham Hills (Local)

**Hession Road**

House, Lot 21, DP 565883, No 11 Hession Road, Nelson (Local)

**Hezlett Road**

House, Lot 222, DP 207779, No 25 Hezlett Road, Kellyville (Local)

“Yalta”, house and immediate garden, Lot B, DP 374973, No 45 Hezlett Road, Kellyville (Local)

**Highs Road**

“Pine Ridge”, Lot 1, DP 1037463, No 11 Highs Road, West Pennant Hills (Local)

**Hilton Place**

Cottage, Lot 1, DP 260257, No 1 Hilton Place, Kenthurst (Local)

**Jones Road**

“Lavender Cottage”, Lot 3, DP 519461, No 45A Jones Road, Kenthurst (Local)

**Kenthurst Road**

Hill Top, Lot 1, DP 34815, No 31 Kenthurst Road, Dural (Local)

House, Lot 2, DP 1039194, Nos 54–56 Kenthurst Road, Kenthurst (Local)

House, Lot 43, DP 584117, No 70 Kenthurst Road, Kenthurst (Local)

Former St Madeleine Sophie Borat Catholic Church, Lot 2, DP 943767, No 114A Kenthurst Road, Kenthurst (Local)

Kenthurst Literary Institute, Lot 12, DP 758558, No 131 Kenthurst Road, Kenthurst (Local)

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### **Langford Smith Close**

House, Lot 1, DP 1039914, No 19 Langford Smith Close, Kellyville (Local)

### **Lawrence Road**

House, Lot 1, DP 134911, No 1 Lawrence Road, Kenthurst (Local)

House, Lot 3, DP 549342, No 11 Lawrence Road, Kenthurst (Local)

### **Mackillop Drive**

St Joseph's Novitiate, Lot 2, DP 817696, No 64 Mackillop Drive, Baulkham Hills (Local)

### **Margaret Street**

"The Pines", Lots 1–9, SP 41791, No 7 Margaret Street, Northmead (Local)

House, Lot 2, DP 591111, No 29 Margaret Street, Northmead (Local)

### **Marieba Road**

House, Lot 63, DP 731202, No 2 Marieba Road, Kenthurst (Local)

### **Mary Street**

House, Lot 63, DP 8884, No 20 Mary Street, Northmead (Local)

### **McLeod Road**

"Cranston Cottage", Lot 1, DP 244143, No 7 McLeod Road, Dural (Local)

### **Melia Court**

Gate and gateposts, Lot 2010, DP 879431, No 36 Melia Court, Castle Hill (Local)

### **Mile End Road**

"Aberdoon", house, Lot 1, DP 1016540, Mile End Road, Rouse Hill (Local)

### **Mount View Road**

"Longstone House", Lot 2, DP 538286, Mount View Road, Glenorie (Local)

### **Mud Island Road**

"Kelso Park", Lot 3, DP 804271, No 422 Mud Island Road, Sackville North (Regional)

### **Nelson Road**

"Rosedale", Lot 2, DP 565176, No 55 Nelson Road, Nelson (Regional)

House, Lot 1, DP 999853, No 61 Nelson Road, Nelson (Regional)

**North Rocks Road**

“Rockcliff”, Lot 7, DP 234271, No 224 North Rocks Road, North Rocks (Local)  
“Fernleigh”, Lot 20, DP 600123, No 256 North Rocks Road, North Rocks (Local)  
House and outbuilding, Lot 12, DP 542855, No 381 North Rocks Road, Carlingford (Local)

**O’Briens Road**

“Bungool” (Riverside Oaks), Lot 11, DP 605831, No 74 O’Briens Road, Cattai (Regional)

**Old Castle Hill Road**

House, Lot 1, DP 585257, No 108 Old Castle Hill Road, Castle Hill (Local)

**Old Northern Road**

“Creasy’s”, Lots 16 and 17, DP 2489, Nos 11 and 13 Old Northern Road, Baulkham Hills (Local)  
House, Lot 23, DP 739791, No 37 Old Northern Road, Baulkham Hills (Local)  
House, Lot 2, DP 207936, No 60 Old Northern Road, Baulkham Hills (Local)  
House, Lot B, DP 420528, No 67 Old Northern Road, Baulkham Hills (Local)  
House, Lot 1, DP 1007799, No 77 Old Northern Road, Baulkham Hills (Local)  
House, Lot 34, DP 129827, No 84 Old Northern Road, Baulkham Hills (Local)  
House, Lot D, DP 370382, No 92 Old Northern Road, Baulkham Hills (Local)  
House, Lot A, DP 333643, No 118 Old Northern Road, Baulkham Hills (Local)  
House, Lot 84, DP 846106, No 121 Old Northern Road, Baulkham Hills (Local)  
House, Lot 15, DP 845564, No 133 Old Northern Road, Baulkham Hills (Local)  
House, Lot 14, DP 845564, No 135 Old Northern Road, Baulkham Hills (Local)  
House, Lot 1, DP 562174, No 171 Old Northern Road, Castle Hill (Local)  
Durham Park, Lot 8, DP 1014035, No 8/174 Old Northern Road, Castle Hill (Local)  
House, Lot 1, DP 209652, No 182 Old Northern Road, Baulkham Hills (Local)  
Gilroy College, Lot 1, DP 850203 and Lots 9, 10 and 43 to 51, DP 10049, Nos 190 and 192 Old Northern Road, Baulkham Hills (Local)  
The Old Parsonage, Lot X, DP 418941, No 210 Old Northern Road, Castle Hill (Local)  
Castle Hill House, Lot 234, DP 1005876, Nos 215–219 Old Northern Road, Castle Hill (Local)  
Former St Paul’s Church, Lot 120, DP 817356, Nos 221–225 Old Northern Road, Castle Hill (Local)  
“Wansbrough House”, Lot 4, DP 533918, No 230 Old Northern Road, Castle Hill (Local)

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House, Lot 81, DP 1017047, No 244 Old Northern Road, Castle Hill (Local)  
St Paul's Cemetery, Lot 1, DP 1043643, No 245 Old Northern Road, Castle Hill (Local)  
Christadelphian Church, Lot 1, DP 1043643, No 245 Old Northern Road, Castle Hill (Local)  
Castle Hill Public School, Lot 101, DP 1000798, Nos 264 and 266 Old Northern Road, Castle Hill (Local)  
Former police station, Lot 101, DP 1000798, Nos 264 and 266 Old Northern Road, Castle Hill (Local)  
House, Lot 1, DP 530501, No 342 Old Northern Road, Castle Hill (Local)  
House, Pt Lot 2, DP 568234, No 428 Old Northern Road, Glenhaven (Local)  
"Allens House", Lot 37, DP 715200, No 548 Old Northern Road, Round Corner, Dural (Local)  
House, Lot 101, DP 713628, No 600 Old Northern Road, Dural (Local)  
Dural Soldiers Memorial Hall, Lot 1, DP 656035, No 604 Old Northern Road, Dural (Local)  
"The Pines", Lot 11, DP 734457, Reserve No 555, No 656A Old Northern Road, Dural (Local)  
"St Elmo", Lot D, DP 164591, No 774 Old Northern Road, Dural (Local)  
"Pinewood", Lot 2, DP 416521, No 792 Old Northern Road, Middle Dural (Local)  
"Carinya", Lot 2, DP 225210, No 828 Old Northern Road, Middle Dural (Local)  
House and barn, Lot 2, DP 231508, No 834 Old Northern Road, Middle Dural (Local)  
McFarland Grave, 4 metres from centreline of Old Northern Road and 368 metres north of its intersection with Wisemans Ferry Road, Maroota (Local)  
Residence and post office, Lot 1, DP 724948, Old Northern Road, Wisemans Ferry (Local)  
Cable ferry, Old Northern Road, Wisemans Ferry (Regional)

### Old Post Office Road

House, Lot 1, DP 731792, No 4 Old Post Office Road, Cattai (Local)

### Owen Avenue

"Thornbury Lodge", Lots 1–4, SP 48323, Lots 7–11, SP 53479 and Lots 12–14, SP 57590, Nos 9–13 Owen Avenue, Baulkham Hills (Local)

### Pages Wharf Road

"Pagewood", Lot 41, DP 752025, No 165 Pages Wharf Road, Sackville North (Local)



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**Park Road**

House, Lot 2, DP 228420, No 15 Park Road, Baulkham Hills (Local)

**Pennant Hills Road**

“Gowan Brae Group”, comprising “Gowan Brae House”, Kings School Chapel, gatehouse and fence, aviary, fountain, rotunda, “The Cedars”, grave, 19th century driveways and stables, iron palisade fence, and horseshoe bridge/dam and roadway, Lot 1, DP 59169, Lot A, DP 329288, Lot B, DP 329288, Lot A, DP 321595, Lot 2, DP 235857, Lot 1, DP 64765, Lot 1, DP 57491, Lot 1, DP 581960 and Lot 10, DP 812772 (Local)

House, Pt Lot 1, DP 19868, No 157 Pennant Hills Road, Carlingford (Local)

House, Lot A, DP 385271, No 159 Pennant Hills Road, Carlingford (Local)

“Stoneleigh”, Lot B, DP 316050, No 570 Pennant Hills Road, West Pennant Hills (Local)

**Pitt Town Road**

House, Lot 1, DP 242302, No 29 Pitt Town Road, Kenthurst (Local)

Fence, Lot 1, DP 549076, No 46 Pitt Town Road, Kenthurst (Local)

House, Pt Lot 7, DP 135642, No 50 Pitt Town Road, Kenthurst (Local)

“Speedwell”, Lot 3, DP 586852, No 68 Pitt Town Road, Kenthurst (Local)

Cottage, Lot 1, DP 561074, No 78 Pitt Town Road, Kenthurst (Local)

House and barn, Lot 101, DP 598991, No 79 Pitt Town Road, Kenthurst (Local)

**Porters Road**

House, Lot 2, DP 550216, No 17 Porters Road, Kenthurst (Local)

House, Lot 2, DP 255779, No 40 Porters Road, Kenthurst (Local)

“Maranoa”, Lot 6, DP 585099, No 42A Porters Road, Kenthurst (Local)

House, Lot 301, DP 713628, No 75 Porters Road, Kenthurst (Local)

**Pye Avenue**

Pye’s Cottage, Lots 1–25, SP 64724, Nos 11 and 13 Pye Avenue, Northmead (Local)

**River Road**

Slab barn, Lot 2, DP 611810, No 276 River Road, Lower Portland (Local)

“Dargle”, Lot 1, DP 109718, Nos 351 and 353 River Road, Lower Portland (Regional)

Church, Lot 11, DP 818829, No 576 River Road, Lower Portland (Local)

“Peacocks”, Lot 12, DP 818829, No 578 River Road, Lower Portland (State)

House, Lot 2, DP 544316, Nos 827 and 829 River Road, Lower Portland (Local)

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Brown's Cemetery, Lot 2, DP 34182, No 875 River Road, Lower Portland (Local)  
Rexford, Lot 1, DP 75366, No 1073 River Road, Lower Portland (Local)  
Stone dairy and fig tree, Lot 8, DP 236370, No 1324 River Road, Lower Portland (Local)  
"Berry Hill", house, Lot 119, DP 752025, No 1832 River Road, Leets Vale (Local)  
House, Lot 2, DP 230496, No 2449 River Road, Wisemans Ferry (Local)  
House, Lot 2, DP 506468, No 3014 River Road, Wisemans Ferry (Local)  
St Mary Magdalene Anglican Church, Pt Lot 37, DP 752025, No 3025 River Road, Wisemans Ferry (Local)  
Police station and residence, Lot 36, DP 752025, No 3031 River Road, Wisemans Ferry (Local)  
Cable ferry, Lower Portland, River Road, Lower Portland (Local)  
Cable ferry, Webbs Creek, River Road, Wisemans Ferry (Local)

### **Robbins Road**

"Marklye", Lot 2, DP 712726, Robbins Road, Box Hill (Local)

### **Sackville Ferry Road**

Cemetery, Lot 7009, DP 93097, No 437 Sackville Ferry Road, Sackville North (Local)  
Brewongle Environmental Education Centre, Pt Lot 1, DP 121420, Nos 720–728 Sackville Ferry Road, Sackville North (Local)  
Cable ferry, Sackville Ferry Road, Sackville (Local)

### **Seven Hills Road**

House, Lot 10, DP 858072, No 51 Seven Hills Road, Baulkham Hills (Local)  
Pearce Family Graves, Lot 100, DP 707538, Seven Hills Road, Baulkham Hills (Regional)

### **Showground Road**

House, Lot 1, DP 840031, Nos 30–34 Showground Road, Castle Hill (Local)  
"Dogwoods", Lot 202, DP 551843, No 74 Showground Road, Castle Hill (Local)  
House, Lot 1, DP 578072, No 107 Showground Road, Castle Hill (Local)  
House, Lot 406, DP 860609, Nos 128–132 Showground Road, Castle Hill (Local)

### **Stone Cottage Court**

House, Lot 6, DP 270304, No 9 Stone Cottage Court, Castle Hill (Local)

### **Success Avenue**

"Baden Farm", Lot 503, DP 878047, No 6 Success Avenue, Kellyville (Local)

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**Terry Road**

McCall Garden Colony, Lot 1, DP 27502, Nos 10–32 Terry Road, Box Hill (Local)

**Thallon Street**

Carlingford Stock Feeds, Lot 1, DP 515583 and Lot 2, DP 503904, No 1 Thallon Street, Carlingford (Local)

**The Water Lane**

Former Hunting Lodge, Lot 174, DP 10157, The Water Lane, Box Hill (Regional)

**Valerie Avenue**

Joyce Farmhouse, Lots 36 and 46, DP 238502, Nos 15 and 15A Valerie Avenue, Baulkham Hills (Regional)

**Windermere Avenue**

Houses, Lot 101, DP 1028723, Nos 3–7 Windermere Avenue, Northmead (Local)

House, Lot 371, DP 878936, No 10 Windermere Avenue, Northmead (Local)

House, Lot 33, DP 8884, No 18 Windermere Avenue, Northmead (Local)

**Windsor Road**

Avenue of trees leading to Castle Hill Country Club, Lot 12, DP 778671, RMB 49, Windsor Road, Baulkham Hills (Local)

House, Lot 9, DP 621494, Nos 9 and 11 Windsor Road, Kellyville (Local)

Kellyville Public School, Lot 1, DP 439294, Lot 1, DP 782320 and Lot 20, DP 206082, No 35A Windsor Road, Kellyville (Local)

“Buena Vista”, Lot 43, DP 847331, No 43 Windsor Road, Kellyville (Regional)

House, Lot 4, Sec 1, DP 6436, No 97 Windsor Road, Northmead (Local)

House, Lot 1, DP 938130, Nos 115 and 117 Windsor Road, Northmead (Local)

House, Lot 1, DP 946630, No 119 Windsor Road, Northmead (Local)

House, Lot 1, DP 863720, No 145 Windsor Road, Northmead (Local)

“The Pines”, Lot 11, SP 50794, Nos 153 and 155 Windsor Road, Northmead (Local)

House, Lot 3, DP 14725, No 175 Windsor Road, Northmead (Local)

House, Lot 41, DP 841313, No 177 Windsor Road, Northmead (Local)

House, Lot 5, DP 8884, No 179 Windsor Road, Northmead (Local)

House, Lot 6, DP 8884, No 181 Windsor Road, Northmead (Local)

House, Lots 7 and 8, DP 8884, Nos 183 and 185 Windsor Road, Northmead, (Local)

House, Lot 109, DP 815682, Nos 187 and 189 Windsor Road, Northmead (Local)

House, Pt Lot 1, DP 500482, No 209 Windsor Road, Northmead (Local)

House, Lot 3, DP 843608, No 215 Windsor Road, Northmead (Local)

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### Baulkham Hills Local Environmental Plan 2005

#### Schedule 1 Heritage items

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Windsor Road from Baulkham Hills to Box Hill (State)  
House, Lots 1–8, SP 66335, No 227 Windsor Road, Northmead (Local)  
House, Lot 1, DP 26848, No 243 Windsor Road, Northmead (Local)  
House, Lot 1, DP 780848, No 245 Windsor Road, Northmead (Local)  
Baulkham Hills Public School, Lot 1, DP 866897, No 257 Windsor Road, Baulkham Hills (Local)  
Bull and Bush Hotel, Lot 2, DP 783941, Nos 360–378 Windsor Road, Baulkham Hills (Regional)  
House, Lot 5, DP 31331, No 389A Windsor Road, Baulkham Hills (Local)  
Norfolk Pine *Araucaria heterophylla*, marking original entrance to Chelsea Farm, Lot 6, DP 255472, No 468 Windsor Road, Baulkham Hills (Local)  
Norfolk Pine *Araucaria heterophylla*, marking original entrance to Chelsea Farm, Lot 7, DP 255472, No 470 Windsor Road, Baulkham Hills (Regional)  
St Michael's Church, Lot 100, DP 711470, No 520 Windsor Road, Baulkham Hills (Local)  
House, Lot 10, DP 615435, No 523 Windsor Road, Baulkham Hills (Local)  
Alliance Church, Lot 21, DP 852062, Windsor Road, Baulkham Hills (Local)  
Former Divine Word Mission, Lot 1003, DP 857115, Windsor Road, Kellyville (Local)  
Christchurch, Lot 1, DP 1033065, Windsor Road, Rouse Hill (Local)  
Bridge structures below Windsor Road at Second Ponds Creek, Rouse Hill (Regional)  
Mungerie, Lot 15, DP 833071, Windsor Road, Rouse Hill (Local)  
Royal Oak Inn, Lot 101, DP 1058862, Windsor Road, Rouse Hill (Regional)  
Rouse Hill Public School, Lot 1, DP 521503, Lot 2, DP 241463 and Lot 100, DP 1044226, Windsor Road, Rouse Hill (Local)  
Former inn, Lot 11, DP 1009338, Windsor Road, Box Hill (Regional)

#### **Wisemans Ferry Road**

“Caddie House” (Regional), barn (Local), silo and outbuildings (Local), Lot 2, DP 605329, Nos 2–18 Wisemans Ferry Road, Cattai  
“Hope Farm House” (Regional), “Hope Farm Cottage” (Local), outbuilding and mill ruins (Local), Pt Lot 40, DP 752039, No 50 Wisemans Ferry Road, Cattai  
Slab hut, Lot 21, DP 843427, 69 Wisemans Ferry Road, Cattai (Local)  
“Johnstons”, Pt Lot 38, DP 136838 and Lot 37, DP 752039, No 76 Wisemans Ferry Road, Cattai (Local)  
“Montrose”, Lot 101, DP 807427, No 96 Wisemans Ferry Road, Cattai (Local)  
“Terry Mount”, Lot 31, DP 136837, No 196 Wisemans Ferry Road, Cattai (Local)  
“Stonehouse Grove”, Lot 12, DP 811777, 1365 Wisemans Ferry Road, Cattai (Local)

**Withers Road**

House and barn, Lot 1, DP 773411, No 9 Withers Road, Kellyville (Local)

“Lintbrae”, house, Lot 1, DP 540785, Withers Road, Kellyville (Local)

Private burial ground, Lot 202, DP 858563, William Harvey Reserve No 405, Withers Road, Rouse Hill (Local)

**Wrights Road**

House, Lot 1, DP 513521, No 42 Wrights Road, Kellyville (Local)

**Part 3 Heritage conservation areas**

Balcombe Heights Community Buildings Complex, Seven Hills Road, Baulkham Hills (Regional)

Bella Vista Homestead Complex, Old Windsor Road, Baulkham Hills (State)

Old Government Farm Site (Heritage Park), Old Northern Road, Castle Hill (State)

Burnside Homes, Pennant Hills Road, North Parramatta (State)

## 2005 No 512

Baulkham Hills Local Environmental Plan 2005

Schedule 2 Exempt development

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## Schedule 2 Exempt development

(Clause 8)

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

### Exemption requirements

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#### Access ramps for the disabled

- Maximum height 1m (above ground level).
- Maximum grade 1:14.
- Structurally adequate construction.
- Compliance with any relevant provisions of the *Building Code of Australia*.

#### 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 or 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 additional requirements below:

- 1 Business identification signs where home activities are allowed

- 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 Part B1 (Structural Provisions) in Section B (Structure).
- One per premises.
- Signs not exceeding 0.75m<sup>2</sup> in area.
- Located wholly within the property boundaries.
- Must not be illuminated.
- Maximum height of a freestanding sign above ground level 1.2m.
- Compliance with any relevant requirements of the *Building Code of Australia*.

<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
2 Real estate signs (advertising premises/land for sale or rent) in areas zoned residential or rural or commercial	<ul style="list-style-type: none"> <li>• One sign per premises or street frontage, whichever is the greater.</li> <li>• Only until sale or leasing of the dwelling.</li> <li>• Each sign not exceeding 2.5m<sup>2</sup> in area.</li> <li>• Located wholly within the property boundary or attached to the existing boundary fence and not projecting more than 100mm from the fence.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
3 Advertisements within a site but not visible from a public place	<ul style="list-style-type: none"> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
4 Public notice displayed by a public body giving information or directions about the services provided	<ul style="list-style-type: none"> <li>• One sign per 20m of street frontage, per premises.</li> <li>• Signs not exceeding 3.5m<sup>2</sup> in area.</li> <li>• Located wholly within the property boundary or attached to the existing boundary fence and not projecting more than 100mm from the fence.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
5 Temporary signs for religious, cultural, political, social or recreational events	<ul style="list-style-type: none"> <li>• One per street frontage.</li> <li>• Not exceeding 1.5m<sup>2</sup> in residential areas and 3.5m<sup>2</sup> in commercial and industrial areas.</li> <li>• Located wholly within the property boundary.</li> <li>• Does not include commercial advertising apart from name of event sponsor(s).</li> <li>• Not displayed earlier than 28 days before event and must be removed within 14 days after the event.</li> <li>• Construction by or for the Council.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
6 Street signs comprising name plates, directional signs and advance traffic warning signs	<ul style="list-style-type: none"> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>

## 2005 No 512

Baulkham Hills Local Environmental Plan 2005

Schedule 2 Exempt development

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

### Exemption requirements

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#### **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*.

#### **Air conditioning units for dwellings**

(attached to external wall or ground mounted)

- Noise level not to exceed 5dB(A) 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>.
- Maximum height 2.4m.
- Located behind the building setback and minimum 500mm from 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*.



Development consisting of the erection and use or carrying out of the following:	Exemption requirements
<p><b>Bird aviaries</b> an enclosure in which birds are kept for domestic purposes only</p>	<ul style="list-style-type: none"> <li>• Maximum area 10m<sup>2</sup> total cumulative area.</li> <li>• Maximum height 2.1m above natural ground level.</li> <li>• Non-reflective materials.</li> <li>• Located in rear yard and not closer than 500mm from an adjoining property boundary.</li> <li>• Located a minimum 9m from any dwelling on an adjoining property.</li> <li>• Structurally adequate construction.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<p><b>Cabanas/gazebos and greenhouses</b></p>	<ul style="list-style-type: none"> <li>• Maximum area 10m<sup>2</sup>.</li> <li>• Maximum height 2.4m.</li> <li>• Not to be used for habitable purposes.</li> <li>• Stormwater to be connected to existing stormwater system.</li> <li>• Structurally adequate construction.</li> <li>• Non-reflective surface finishes.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> <li>• Located in the rear yard and not closer than 500mm from an adjoining property boundary.</li> <li>• Compliance with site coverage requirements in Council's relevant DCPs.</li> </ul>
<p><b>Car ports</b></p>	<ul style="list-style-type: none"> <li>• Maximum area 20m<sup>2</sup>.</li> <li>• Maximum height 2.4m.</li> <li>• Located behind the building setback.</li> <li>• Minimum 500mm from the side and rear boundaries.</li> <li>• Structurally adequate construction.</li> <li>• Stormwater to be connected to the existing stormwater system.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>

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Schedule 2 Exempt development

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Development consisting of the erection and use or carrying out of the following:	Exemption requirements
<b>Classrooms—portable</b>	<ul style="list-style-type: none"><li>• On land which a school is situated.</li><li>• Height of portable classroom not exceeding 1 storey.</li><li>• Use of portable classroom for not more than 5 years after the date of its erection.</li><li>• Must comply with the minimum road frontage setbacks as required by any locality DCP applying to the subject land.</li><li>• Must be set back a minimum of 3m from a side or rear boundary, and 3m from any other building on the site.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul>
<b>Clothes hoists/lines</b>	<ul style="list-style-type: none"><li>• Installed to manufacturer's specifications.</li></ul>
<b>Cubbyhouses</b>	<ul style="list-style-type: none"><li>• Must be installed in accordance with manufacturer's instructions and comply with any relevant Australian Standards (AS 1924.1—1981, <i>Playground equipment for parks, schools and domestic use, Part 1: General requirements</i>, AS 1924.2—1981, <i>Playground equipment for parks, schools and domestic use, Part 2: Design and construction—Safety aspects</i> and AS/NZS 4486.1:1997, <i>Playgrounds and playground equipment, Part 1: Development, installation, inspection, maintenance and operation</i>).</li><li>• Structure must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.2—1995, <i>Swimming pool safety, Part 2: Location of fencing for private swimming pools</i>.</li><li>• Maximum height 2.1m.</li><li>• Maximum area 10m<sup>2</sup>.</li><li>• Structurally adequate construction on a uniformly stable foundation.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul>

<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
<p><b>Decks</b> (unroofed and attached to dwellings that are not located in areas identified by Council as bush fire prone)</p>	<ul style="list-style-type: none"> <li>• Maximum area 10m<sup>2</sup>.</li> <li>• Finished surface level to be greater than 1m above existing ground level.</li> <li>• Boundary setbacks for existing dwelling to be maintained.</li> <li>• Structurally adequate construction.</li> <li>• Complies with any site coverage requirements.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<p><b>Demolition</b></p>	<ul style="list-style-type: none"> <li>• Where erection of the structure is exempt development under the provisions of this plan.</li> <li>• Demolition must be carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i>.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<p><b>Fences</b> (other than fences covered by the <i>Swimming Pools Act 1992</i>)</p>	<ul style="list-style-type: none"> <li>• All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage/run-off.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<p><b>1 Boundary fences</b></p>	
<p>(a) Side fences (between the building line and street or any other public place) and front fences.</p>	<ul style="list-style-type: none"> <li>• Maximum height 1m if constructed of timber, metal or lightweight materials.</li> </ul>
<p>(b) Side fences (between the building line and the rear boundary) and rear boundary fences.</p>	<ul style="list-style-type: none"> <li>• Maximum height 1.8m if constructed of timber, metal or lightweight materials.</li> </ul>
<p><b>2 Masonry or brick fences</b></p>	<ul style="list-style-type: none"> <li>• Maximum height 1m.</li> </ul>
<p><b>3 Security fences</b></p>	<ul style="list-style-type: none"> <li>• Chain wire type fences around Council-owned compounds and depots.</li> </ul>
<p><b>4 Rural zones—electric fences, in areas zoned rural only</b></p>	<ul style="list-style-type: none"> <li>• To be erected in accordance with AS/NZS 3014:2003, <i>Electrical installations—Electric fences</i>.</li> </ul>

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Schedule 2 Exempt development

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<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
<b>Flagpoles</b> 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>
<b>Flagpoles</b> in commercial or industrial zones	<ul style="list-style-type: none"><li>• Maximum height 9m above natural ground level.</li><li>• Consent 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>
<b>Fowl houses</b> (for the keeping of chickens, hens and roosters), in areas zoned rural only	<ul style="list-style-type: none"><li>• Must comply with the standards contained in the <i>Local Government (Orders) Regulation 1999</i>.</li><li>• Maximum area 50m<sup>2</sup>.</li><li>• Must be structurally adequate.</li><li>• Maximum height 3m.</li><li>• Not more than one per property.</li><li>• Non-reflective materials.</li><li>• Adequate drainage must be provided.</li><li>• Minimum 9m from any dwelling.</li></ul>
<b>Fuel tanks</b> used in conjunction with agricultural activities on properties in excess of 2 hectares in areas zoned rural	<ul style="list-style-type: none"><li>• Maximum size 5,000 litres.</li><li>• Constructed of prefabricated metal, freestanding and not relying on other structures for support.</li><li>• Erected in accordance with manufacturer's specification.</li><li>• Kept in accordance with AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i>, including requirements for bunding.</li><li>• Not to be erected within 20m of the street boundary or within 4m of a side or rear boundary.</li></ul>

Development consisting of the erection and use or carrying out of the following:	Exemption requirements
<b>Garden sheds</b>	<ul style="list-style-type: none"> <li>• Wholly within the boundaries of the property and not to encroach on any registered easements.</li> <li>• Clearance from power lines to be in accordance with relevant electricity authority requirements.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> <li>• Free-standing and prefabricated.</li> <li>• Maximum floor area 10m<sup>2</sup> cumulative.</li> <li>• Maximum height 2.1m.</li> <li>• Must be located in the rear yard of premises.</li> <li>• Non-reflective materials.</li> <li>• Installed to manufacturer's specifications.</li> <li>• Structurally adequate construction.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<b>Horse stables</b> (keeping up to 4 horses), and <b>animal shelters</b> in areas zoned rural only	<ul style="list-style-type: none"> <li>• Must comply with the <i>Local Government (Orders) Regulation 1999</i>.</li> <li>• Maximum size 50m<sup>2</sup> and maximum height 3m.</li> <li>• Constructed of timber (cut or round) or metal.</li> <li>• Any cladding to have a low reflective finish and be fixed in accordance with manufacturer's specifications.</li> <li>• Erected within the boundaries of the property and not within 20m of a road boundary or 10m from the side or rear boundaries.</li> <li>• Not to encroach on any registered easement.</li> <li>• Structurally adequate construction.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>• Landscaping works carried out in conjunction with other exempt development.</li> </ul>

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Schedule 2 Exempt development

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

### Exemption requirements

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#### Letter boxes

(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*.

##### 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.

<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
(b) External	<ul style="list-style-type: none"> <li>• Work must not include changes to the configuration of rooms whether by removal of walls or other means of structural support.</li> <li>• Food premises to comply with relevant provisions of the Food Standards Code within the meaning of the <i>Food Act 2003</i>.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> <li>• Being changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work, but does not include enlargement or extension of the building or work.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<b>Patios at ground level</b> abutting a dwelling	<ul style="list-style-type: none"> <li>• Stormwater from patio surface not to be redirected into adjoining property.</li> <li>• Sufficient step down is to be provided to prevent the entry of water into the dwelling.</li> <li>• Structurally adequate construction.</li> <li>• Compliance with the site coverage control.</li> </ul>
<b>Pergolas</b>	<ul style="list-style-type: none"> <li>• Maximum area 20m<sup>2</sup>.</li> <li>• Maximum height 2.4m.</li> <li>• Must maintain boundary setbacks required for the associated dwelling with a minimum of 900mm from a boundary.</li> <li>• Structurally adequate construction.</li> <li>• Compliance with the site coverage control.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<b>Playground equipment</b> (excluding cubbyhouses)	<ul style="list-style-type: none"> <li>• Maximum height 2.1m.</li> <li>• Maximum ground coverage of 10m<sup>2</sup>.</li> </ul>

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Schedule 2 Exempt development

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<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
(b) Non-residential use	<ul style="list-style-type: none"><li>• Structure must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.2—1995, <i>Swimming pool safety, Part 2: Location of fencing for private swimming pools</i>.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li><li>• Maximum height 2.1m.</li><li>• Maximum ground coverage of 10m<sup>2</sup>.</li><li>• Adequate safety arrangements, including soft landing surfaces to be provided.</li><li>• Structure must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.1—1993, <i>Swimming pool safety, Part 1: Fencing for swimming pools</i>.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul>
<b>Privacy screens</b>	<ul style="list-style-type: none"><li>• Maximum height 2.4m.</li><li>• Maximum length 10m.</li><li>• Must be installed in rear yard.</li><li>• Construction of translucent materials.</li><li>• Structurally adequate construction.</li><li>• Must be free-standing and not attached to boundary fence without adjoining property owner's consent.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul>
<b>Re-cladding of roofs or walls</b> or repair/maintenance of damaged materials	<ul style="list-style-type: none"><li>• Must only involve replacing existing materials with similar materials which are compatible with the existing building and finish.</li><li>• Re-cladding must not involve structural alterations or change to the external configuration of a building.</li><li>• Must comply with requirements of the WorkCover Authority relating to removal of lead paint and asbestos cement.</li><li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li></ul>



Development consisting of the erection and use or carrying out of the following:	Exemption requirements
<b>Retaining walls</b>	<ul style="list-style-type: none"> <li>• Maximum height 0.6m for retaining filling and maximum 1m for excavation.</li> <li>• Masonry walls to comply with:               <ul style="list-style-type: none"> <li>• AS 3700—2001, <i>Masonry structures</i>,</li> <li>• AS 3600—2001, <i>Concrete structures</i>,</li> <li>• AS/NZS 1170.1:2002, <i>Structural design actions</i>, Part 1: <i>Permanent, imposed and other actions</i> and AS/NZS 1170.2:2002, <i>Structural design actions</i>, Part 2: <i>Wind actions</i>.</li> </ul> </li> <li>• Timber walls to comply with:               <ul style="list-style-type: none"> <li>• AS 1720.1—1997, <i>Timber structures, Part 1: Design methods</i>,</li> <li>• AS/NZS 1170.1:2002, <i>Structural design actions</i>, Part 1: <i>Permanent, imposed and other actions</i> and AS/NZS 1170.2:2002, <i>Structural design actions</i>, Part 2: <i>Wind actions</i>.</li> </ul> </li> <li>• All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run-off.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<b>Sail awnings</b>	<ul style="list-style-type: none"> <li>• Maximum area 20m<sup>2</sup> and located behind the building line.</li> <li>• Attached to an external wall of a dwelling.</li> <li>• Installed to manufacturer's specifications.</li> </ul>
<b>Satellite dishes</b>	
1 Residential	
(a) Ground mounted	<ul style="list-style-type: none"> <li>• Maximum height 2.4m above natural ground level.</li> <li>• Maximum diameter 1m.</li> <li>• One installation per dwelling.</li> <li>• A minimum of 900mm from a property boundary.</li> <li>• Situated no closer to the street than the associated dwelling/building.</li> <li>• Structurally stable.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>

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Schedule 2 Exempt development

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

### Exemption requirements

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(b) Building mounted

- One installation per dwelling.
- Located below the ridge of the dwelling.
- Maximum diameter 1m.
- 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 from all property boundaries.
- One installation per building.
- Structurally stable.
- Compliance with any relevant requirements of the *Building Code of Australia*.

### Sheds

for or in conjunction with agricultural activities in areas zoned rural only

- Land must be in Zone 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.

<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
<b>Skylight/roof windows</b>	<ul style="list-style-type: none"> <li>• To be located clear of septic disposal area or other services.</li> <li>• Not to be erected within 20m of a dwelling on an adjoining property.</li> <li>• Not a machinery or hay shed unrelated to the normal agricultural activities on the property.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> <li>• Maximum area of skylight not to exceed 2m<sup>2</sup>.</li> <li>• Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings.</li> <li>• The building work must not reduce the structural integrity of the building or involve structural alterations.</li> <li>• Any opening created by the installation must be adequately weatherproofed.</li> <li>• Installation to manufacturer's specifications.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<b>Solar water heaters and solar panels</b>	<ul style="list-style-type: none"> <li>• Installed to manufacturer's specifications.</li> <li>• Installed by a licensed tradesperson.</li> <li>• Associated building work must not reduce the structural integrity of the building or involve structural alterations.</li> <li>• Any openings created by an installation must be adequately weatherproofed.</li> <li>• Must not protrude above the ridge level.</li> </ul>
<b>Stockyards and shelters</b> in conjunction with normal agricultural activities on the property excluding commercial or intensive uses only in areas zoned rural	<ul style="list-style-type: none"> <li>• Maximum yard area of 0.5 hectare.</li> <li>• Maximum height of shelters 2.7m.</li> <li>• Structurally adequate construction.</li> <li>• Constructed of timber or metal.</li> <li>• Not to be erected within 20m of the street boundary or within 4m of a side or rear boundary.</li> <li>• Sited wholly within the boundaries of the property and not within 50m of a watercourse, a dwelling on an adjoining property or any registered easement.</li> </ul>

## 2005 No 512

Baulkham Hills Local Environmental Plan 2005

Schedule 2 Exempt development

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

### Exemption requirements

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#### Water features and ponds

- Must be used in association with normal agricultural activities on the property.
- Compliance with any relevant requirements of the *Building Code of Australia*.

#### Water heaters

(excluding solar systems)

- Maximum water depth of 300mm.
- Maximum area 10m<sup>2</sup>.
- Overflow not to cause a nuisance to adjoining properties.
- Replacement or new installations.
- The work must not reduce the structural integrity of the building or involve structural alterations.
- Installed 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 (including stand).
- Tank must be located at least 450mm from any property boundary.
- Situated no closer to a street than an associated dwelling.
- All tanks/tank stand installations to be structurally sound and comply with the manufacturer's and/or designer's specifications.
- 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 2.4m (including stand).
- Tank must be located at least 450mm from any property boundary.
- A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.
- Maximum storage capacity of 10,000 litres.
- Located no closer to the street than the associated dwelling.

<b>Development consisting of the erection and use or carrying out of the following:</b>	<b>Exemption requirements</b>
<p><b>Windmills</b> in areas zoned rural only</p>	<ul style="list-style-type: none"> <li>• The tank must be designed to capture and store roof water from gutters or downpipes on a building.</li> <li>• All tanks/tank stand installations to be structurally sound and comply with the manufacturer's and/or designer's instructions.</li> <li>• Pumps not to cause a noise nuisance.</li> <li>• Tank to be maintained to prevent mosquito breeding or overflow.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> <li>• To be sited wholly within the boundaries of the property.</li> <li>• Not to encroach into any registered easement.</li> <li>• Free-standing and not relying on other structures for support.</li> <li>• Clearance from power lines in accordance with any relevant electricity authority requirements.</li> <li>• Installed to manufacturer's specifications.</li> <li>• To be built in accordance with engineer's certification for the structure and footings.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>
<p><b>Windows, glazed areas and external doors</b> (excluding windows in buildings listed as heritage items or in a conservation area)</p>	<ul style="list-style-type: none"> <li>• Replacement in residential premises with materials that comply with: <ul style="list-style-type: none"> <li>• AS 1288—1994, <i>Glass in buildings—Selection and installation</i>, and</li> <li>• AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i>.</li> </ul> </li> <li>• No reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed.</li> <li>• For commercial/industrial premises the reflectivity index not to exceed 20%.</li> <li>• Compliance with any relevant requirements of the <i>Building Code of Australia</i>.</li> </ul>

## 2005 No 512

Baulkham Hills Local Environmental Plan 2005

Schedule 3 Development prohibited in certain zones

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### Schedule 3 Development prohibited in certain zones

(Table to clause 13)

Development for the purpose of:

airline terminals  
amusement parks  
animal boarding, breeding and training establishments  
bulky goods retailing  
bus depots  
bus stations  
car repair stations  
caravan parks  
clubs  
commercial premises  
extractive industries  
generating works  
guest houses  
helipads  
heliports  
hospitals  
hotels  
industries (other than home activities)  
institutions  
intensive lot feeding of livestock  
junk yards  
landscape supply establishments  
light industries  
liquid fuel depots  
mines  
motels  
motor showrooms  
motor vehicle servicing  
offensive or hazardous industries  
pig keeping

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poultry farming  
reception establishments  
recreation facilities  
research establishments  
restaurants  
retail plant nurseries  
roadside stalls  
road transport terminals  
rural industries  
rural workers' dwellings  
sawmills  
service stations  
shop-top housing  
shops  
stock and sale yards  
tourist facilities  
transport terminals  
veterinary establishments  
warehouses  
waste disposal  
wholesale plant nurseries

## **2005 No 512**

Baulkham Hills Local Environmental Plan 2005

Schedule 4 Shops allowed in certain zones

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### **Schedule 4 Shops allowed in certain zones**

(Table to Clause 13)

Chemists' shops

Financial services

Hairdressing salons

Industrial real estate brokerages

Liquor stores

Medical practitioners' surgeries

Milk bars and sandwich shops

Newsagencies



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**Schedule 5    Classification and reclassification of  
public land as operational land**

(Clause 54)

**Part 1    Interests not changed**

**Part 2    Interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Trusts etc not discharged</b>

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## 2005 No 512

Baulkham Hills Local Environmental Plan 2005

Schedule 6 Additional development on certain land

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### Schedule 6 Additional development on certain land

(Clause 56)

Column 1	Column 2	Column 3
Lot 14, DP 21212	Development for the purpose of a real estate office, garage/storage area and staff amenities	The floor area must not exceed the following: (a) real estate office—148m <sup>2</sup> , (b) garage/storage area—50m <sup>2</sup> , (c) staff amenities—17m <sup>2</sup> .
Lot 16, DP 21212	Development for the purpose of a kitchen showroom and garage/storage area	The floor area must not exceed the following: (a) kitchen showroom—80m <sup>2</sup> , (b) garage/storage area—28m <sup>2</sup> .
Lot 17, DP 21212	Development for the purpose of a real estate office, garage/storage area and staff amenities	The floor area must not exceed the following: (a) real estate office—125m <sup>2</sup> , (b) garage/storage area—40m <sup>2</sup> , (c) staff amenities—8m <sup>2</sup> .
Lot 13, DP 135351, No 46 Windsor Road, Kellyville	Development for the purpose of an insurance and financial services office	The floor area of the insurance and financial services office must not exceed 85m <sup>2</sup> .
Lot 13, DP 627190 Schwebel Lane and Lot A, DP 381392 and Lots 1 and 2, DP 605276, Old Northern Road, Glenorie	Development for the purpose of a concrete batching plant	The total annual production of concrete and concrete products must not exceed 20,000 tonnes.
Lot 15, DP 21212, No 42 Windsor Road, Kellyville	Development for the purpose of a real estate office and garage area	The floor area must not exceed the following: (a) real estate office—116m <sup>2</sup> , (b) garage area—23.25m <sup>2</sup> .
Lot 1, DP 135728, Windsor Road, Box Hill, and part of Lot 1, DP 784714, Windsor Road, Box Hill, as shown edged heavy black on the map marked “Baulkham Hills Local Environmental Plan 1991 (Amendment No 76)”	Development for the purpose of a service station building containing areas for sales and amenities, an office and a convenience store	The total area occupied by the convenience store and amenities must not exceed 200m <sup>2</sup> . The service station may have a maximum of six fuel bowsers.

Baulkham Hills Local Environmental Plan 2005

Additional development on certain land

Schedule 6

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Part of Lot 4, DP 616348, Old Northern Road, Glenorie, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 100)".	Renovation and redevelopment of existing service station only for the purpose of a service station.	

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