



New South Wales

Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

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*. (P99/00091/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 184

Clause 1 Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)*.

2 Aims of plan

The aims of this plan are:

- (a) to enable urban development within the area known as the Balmoral Road Release Area, and
- (b) to create sustainable residential neighbourhoods consisting of a mix of housing types including single detached dwellings, dual occupancies, villas, town-houses, shop-top housing and apartment buildings, and
- (c) to support those residential neighbourhoods and the future population with a range of urban support uses and services including employment areas, transport, public open space, commercial, educational and utility services, and
- (d) to protect, rehabilitate and conserve areas of environmental sensitivity or significance.

3 Land to which plan applies

This plan applies to the land within the Baulkham Hills local government area, as shown by distinctive colouring, edging or lettering on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)” deposited in the office of Baulkham Hills Shire Council.

4 Amendment of Baulkham Hills Local Environmental Plan 2005

Baulkham Hills Local Environmental Plan 2005 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

development site means an area of land that is shown edged with a purple-coloured or black-coloured dashed line and marked “Development Site” on the map and includes buildings, works, relics, trees and places situated on the land.

[2] Clause 5 (1), definition of “the map”

Insert at the end of the definition:

Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

[3] Clause 12 Zones indicated on the map

Omit “Rouse Hill Regional” from the matter relating to Zone 2 (a4).

Insert instead “Town”.

[4] Clause 12

Insert in appropriate order:

Zone 2 (b1) (Residential 2 (b1) Zone)—coloured light scarlet, edged red and lettered “2 (b1)”.

[5] Clause 13 Zone objectives and zoning controls

Omit “**Rouse Hill Regional**” from the heading to the matter relating to Zone 2 (a4) in the Table to the clause.

Insert instead “**Town**”.

[6] Clause 13, Table

Omit “the Rouse Hill Regional Centre” from paragraph (a) of clause 1 of the matter relating to Zone 2 (a4).

Insert instead “certain town centres”.

2006 No 184

Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

Schedule 1 Amendments

[7] Clause 13, Table

Insert in appropriate order:

Zone 2 (b1) (Residential 2 (b1) Zone)

1 Objectives of zone

The objectives are:

- (a) to create residential areas of predominantly single dwelling, low-density character and to maintain that character, and
- (b) to permit the subdivision of land into residential lots of a minimum area of 700m², 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 visually integrated with development carried out on the land and in the surrounding area, and
 - (ii) serve the needs of the surrounding population without conflicting with the residential intent of the zone, and
 - (iii) do 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.

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.

[8] Clause 18A

Insert after clause 18:

18A Subdivision of land in Zone 2 (b1)

- (1) Land within Zone 2 (b1) must not be subdivided to create an allotment to be used for residential purposes unless the allotment has an area of not less than the minimum area, which is 700m².
- (2) Despite subclause (1), if an allotment is to include land within 20 metres of the centreline of a creek (the creek being identified as trunk drainage on the map) the minimum area of that allotment is 700m² in addition to any area of that allotment that is within 20 metres of the centreline of the creek.

[9] Clause 22 Integrated housing

Insert “, but excluding any land within Zone 2 (b1)” after “applies” in clause 22 (b).

[10] Clause 25 Protection of riparian land near creeks

Insert at the end of the clause:

- (2) Despite any other provision of this plan, development (other than development for the purpose of bridges, demolition of existing structures, environmental protection works, public open space and storm water drainage) must not be carried out on land within 20 metres of the centreline of a creek, as shown on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)”.

2006 No 184

Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

Schedule 1 Amendments

[11] Clause 42 Land within Zone 5 (a) (other than community facility or local open space land) and Zone 5 (c)

Insert after clause 42 (1) (c):

- (c1) in the case of land within Zone 5 (a) and lettered on the map “Railway Corridor”, the corporation constituted by section 8 (1) of the Act, or

[12] Clause 44 Land reserved for community facilities and local open space

Insert “or ‘Local Drainage’” before “or any land” in clause 44 (1).

[13] Clause 45A

Insert after clause 45:

45A Restriction on certain subdivisions

- (1) This clause applies to all land within Zones 2 (a1), 2 (a2), 2 (a4), 2 (b1) and 3 (a), as shown on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)”.
- (2) Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure in relation to the land comprising that lot.
- (3) The object of the contribution referred to in subclause (2) is to require assistance towards the provision of regional transport infrastructure to satisfy needs that will arise from intensive urban development of land to which this clause applies.
- (4) The reference in subclause (2) to a lot with an area of less than 40 hectares does not include a reference to any such lot:
 - (a) identified in the certificate of the Director-General as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (2) does not apply to a subdivision for the purpose of rectifying an encroachment on any existing allotment or for the purpose of realigning the boundaries of existing allotments.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

[14] Clause 49 Temporary use of non-residential land

Insert “2 (b1),” after “2 (b),” in clause 49 (1).

[15] Clause 51 Vehicular access from urban land to a classified road

Insert “2 (b1),” after “2 (b),” in clause 51 (1).

[16] Clause 51 (1)

Insert “, 5 (a), 6 (a), 6 (b)” after “4 (b)”.

[17] Clause 51A

Insert after clause 51:

51A Noise attenuation for development along a classified road or bus transitway

- (1) This clause applies to land within 100 metres of a classified road or a bus transitway.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) a noise and vibration assessment has been undertaken for the development, and
 - (b) appropriate measures to minimise noise and vibration impact have been included.
- (3) If any development is identified in the noise and vibration assessment referred to in subclause (2) as being subject to high noise levels:
 - (a) noise-sensitive uses must be located away from the noise source, and
 - (b) the development must be protected by appropriate noise shielding or attenuation techniques as part of the design and construction of the development.

[18] Clauses 57–59

Insert after clause 56:

57 Transit Centre Development Site

- (1) This clause applies to all land within the area bounded by Balmoral Road, Old Windsor Road, Burns Road and Elizabeth Macarthur Creek and identified on the map by a distinctive black-coloured dashed line as a development site.

2006 No 184

Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)

Schedule 1 Amendments

- (2) The consent authority must not consent to the carrying out of development, other than development for a public purpose, on land to which this clause applies unless:
 - (a) a development control plan in relation to the land has been prepared that makes satisfactory provision for the following land use elements:
 - (i) residential land use, including affordable housing,
 - (ii) commercial/retail land use,
 - (iii) public transport,
 - (iv) public open space,
 - (v) community facilities,
 - (vi) bush fire asset protection zones, and
 - (b) it is satisfied that all land use elements are appropriately integrated with all other land use elements.

58 Cumberland Plain Woodland Development Site

- (1) This clause applies to all land within an area identified on the map by a distinctive purple-coloured dashed line as a development site, other than the land to which clause 57 applies.
- (2) The consent authority must not consent to the carrying out of any development involving subdivision or the clearing of native vegetation (within the meaning of the *Native Vegetation Act 2003*), other than development for a public purpose, on land to which this clause applies unless:
 - (a) a development control plan in relation to the land has been prepared that makes satisfactory provision for the following land use elements:
 - (i) conservation and rehabilitation of remnant Cumberland Plain Woodland,
 - (ii) residential land use,
 - (iii) bush fire asset protection zones, and
 - (b) it is satisfied that all land use elements are appropriately integrated with all other land use elements.
- (3) The consent authority must not consent to any development, other than development for a public purpose, on land to which this clause applies unless it is satisfied that:
 - (a) the development is consistent with the principles of ecologically sustainable development, and
 - (b) all possible measures have been taken to ensure that the development enhances the environment, in particular the

conservation and rehabilitation of remnant Cumberland Plain Woodland.

59 Development in vicinity of North West Rail Corridor

- (1) This clause applies to all land within 60 metres of the North West Rail Corridor.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority is satisfied as to the following matters:
 - (a) **Noise**

The proposed development incorporates appropriate noise attenuation measures.
 - (b) **Vibration**

The proposed development incorporates appropriate vibration minimisation measures.
 - (c) **Building design and location**

The design and location of the development is such that it will not interfere with the operation of the rail line and associated facilities.
 - (d) **Settlement**

The development is designed and constructed to accommodate settlement caused by future excavation of the rail corridor.
 - (e) **Stormwater drainage**

The development disposes of its stormwater in an appropriate manner without interfering with the operation of the rail corridor and associated facilities.
- (3) In this clause, *North West Rail Corridor* means the land marked “North West Rail Corridor Alignment” and shown by distinctive colouring, edging or lettering on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 5)”.