



New South Wales

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

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*. (S07/01047/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 633

Clause 1 Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)*.

2 Aims of plan

The aims of this Plan are as follows:

- (a) to enable the conservation and management of Maroota Ridge State Conservation Area,
- (b) to rezone Lot 21, DP 1102562, York Road, Kellyville from Zone 2 (a) (Residential 2 (a) Zone) to Zone 6 (a) (Open Space 6 (a) (Existing and Proposed Public Recreation) Zone) to reflect the future use of the land for a cycleway link from Bernie Mullane Reserve across Smalls Creek to York Road,
- (c) to rezone part of Lot 9003, DP 1043033, River Oak Circuit, Kellyville from Zone 5 (a) (Special Uses 5 (a) (Trunk Drainage) Zone) to Zone 2 (a) (Residential 2 (a) Zone),
- (d) to reclassify (proposed) Lot 2 in subdivision of Lot 151, DP 869424, Glenhaven Road, Kellyville from community land to operational land and to formalise the use of the land for the purpose of a public bridge,
- (e) to enable minor zoning adjustments on certain land to which this Plan applies,
- (f) to provide for a 14 day notification period in respect of notifiable development under *Baulkham Hills Local Environmental Plan 2005*,
- (g) to remove *Eucalyptus nicholii* (Narrowed Leaved Peppermint) from the list of trees that may be removed without a development consent or permit granted by the Council of the Shire of Baulkham Hills,
- (h) to update the list of heritage items under *Baulkham Hills Local Environmental Plan 2005*,

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- (i) to update the list of exempt development under *Baulkham Hills Local Environmental Plan 2005*,
 - (j) to make other amendments to *Baulkham Hills Local Environmental Plan 2005* of a minor or consequential nature.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to land in the Maroota Ridge State Conservation Area.
- (2) With respect to the aim referred to in clause 2 (b), this plan applies to Lot 21, DP 1102562, York Road, Kellyville, as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)" deposited in the office of the Council of the Shire of Baulkham Hills.
- (3) With respect to the aim referred to in clause 2 (c), this plan applies to Lot 9003, DP 1043033, River Oak Circuit, Kellyville, as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)" deposited in the office of the Council of the Shire of Baulkham Hills.
- (4) With respect to the aim referred to in clause 2 (d), this plan applies to Lot 151, DP 869424, Glenhaven Road, Kellyville.
- (5) With respect to the aim referred to in clause 2 (e), this plan applies to the following land, as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)" deposited in the office of the Council of the Shire of Baulkham Hills:
 - (a) The Parkway, adjoining Lot 759, DP 1034497, Reserve No 455, Shelly Crescent, Beaumont Hills,
 - (b) Kirkton Place, adjoining Lot 3001, DP 1038814, Beaumont Hills,
 - (c) Part of Lot 1, DP 1002075, 'Cropley House', 84 Watkins Road, Baulkham Hills,
 - (d) Part of Lot 5, DP 1085297, Evesham Court, Reserve No 204, 23z Evesham Court, Baulkham Hills and part of Lot 6, DP 1085297, 40-52 Barina Downs Road, Baulkham Hills,
 - (e) Part of Lot 1496, DP 1016293, 70 The Parkway and Buckley Street, Beaumont Hills, adjoining Lot 1853, DP 1062498, Beaumont Hills,
 - (f) Part of Lot 901, DP 1008559, 35 Adelphi Street, Rouse Hill,
 - (g) Road connecting Sharleen Court and Prestige Avenue, Bella Vista and part of Lots 21, 22 and 23, DP 1111409, Bingara Crescent, Bella Vista.

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- (6) With respect to the aims referred to in clause 2 (f)–(j), this plan applies to all land within the local government area of Baulkham Hills.

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 (1), definition of “the map”

Insert in appropriate order:

Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)

[2] Clause 8 Exempt development

Insert after clause 8 (1) (b):

- (b1) it meets the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b2) it does not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and

[3] Clause 10 Notifiable development

Insert at the end of the clause:

- (2) For the purposes of this clause, section 79 of the Act applies in respect of notifiable development as if a reference in that section to 30 days were a reference to 14 days.

[4] Clause 27 Tree and bushland management

Omit “*Eucalyptus nicholii* (Narrowed Leaved Peppermint)” from clause 27 (5) (d).

[5] Clause 43 Land reserved for roads

Insert at the end of the clause:

Note. The *Land Acquisition (Just Terms Compensation) Act 1991* may apply to land that has been reserved exclusively for public purposes.

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

Insert at the end of the clause:

Note. The *Land Acquisition (Just Terms Compensation) Act 1991* may apply to land that has been reserved exclusively for public purposes.

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Schedule 1 Amendments

[7] Schedule 1

Omit the Schedule. Insert instead:

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 13, DP 270416, 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, Nos 5426–5514 Old Northern Road, Wisemans Ferry (State)

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

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)

Pacific Park Road

Great drain and stone cut foundations, Lot 10, DP 752039, Stone Drain Reserve, No 274 Pacific Park Road, South Maroota (State)

Resolution Place

Queens Arms Inn site, Lot 1, DP 285955, Resolution Place, Rouse Hill (Regional)

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)

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Schedule 1 Amendments

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, No 1 Windsor Road, Northmead (Local)

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)

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)

Part 2 Buildings, trees and works

Aberdour Avenue

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

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)

Balintore Drive

House, Lot 7, DP 1093653, No 71 Balintore Drive, Castle Hill (Local)

Bettington Road

“Strathallen”, Lot 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

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)

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Schedule 1 Amendments

Clower Avenue

“Aberdoon”, house, Lot 1, DP 1016540, 39–41 Clower Avenue, Rouse Hill (Local)

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)

Doris Hirst Place

“Pine Ridge”, Lot 1, DP 1037463, No 19 Doris Hirst Place, West Pennant Hills (Local)

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, Crown Reserve No 1000480, 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 1100022, No 31A 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)

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“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)

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)

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)

Marieba Road

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

Mary Street

House, Lot 2, DP 591111, No 4 Mary Street, Northmead (Local)

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)

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 13, DP 270416, 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)

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Schedule 1 Amendments

House, Lot 23, DP 739791, No 37–43 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 43–51, 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 (State)

“Wansbrough House”, Lot 4, DP 533918, No 230 Old Northern Road, Castle Hill (Local)

House, Lot 81, DP 1017047, No 244 Old Northern Road, Castle Hill (Local)

St Paul’s Cemetery, Lot 11, DP 1053193, No 247 Old Northern Road, Castle Hill (Local)

Christadelphian Church, Lot 12, DP 1053191, 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 11, DP 1075777, No 340 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 600A 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, No 5556 Old Northern Road,
Wisemans Ferry (Local)

Cable ferry, Old Northern Road, Wisemans Ferry (Regional)

Owen Avenue

“Thornbury Lodge”, Lots 9 and 10, SP 53479 and common property
SP 53479, Nos 9–13 Owen Avenue, Baulkham Hills (Local)

Pages Wharf Road

“Pagewood”, Lot 41, DP 1093516, No 165 Pages Wharf Road, Sackville
North (Local)

Park Road

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

Pennant Hills Road

“Gowan Brae Group”, comprising “Gowan Brae House”, King’s 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)

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Schedule 1 Amendments

House, Lot 1, DP 1100015, No 159 Pennant Hills Road, Carlingford (Local)
“Stoneleigh”, Lot 3, DP 1096405, 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 731027, 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, No 296 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 827–829 River Road, Lower Portland (Local)
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 (State)

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)

St Johns Road

Slab hut, Lot 31, DP 872356, No 52 St Johns Road, Maraylya (Local)

Stone Cottage Court

House, Lot 27, 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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Schedule 1 Amendments

Terry Road

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

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, No 58 The Water Lane, Rouse Hill (State)

Valerie Avenue

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

Windermere Avenue

Houses, Lot 15, SP 74805, Nos 3–5 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 10, DP 1061802, No 115 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)

Windsor Road, from Baulkham Hills to Box Hill (State)

House, Lot 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 10, DP 1087432, Windsor Road, Rouse Hill (Local)

Bridge structures below Windsor Road at Second Ponds Creek, Rouse Hill (Regional)

Mungerie, Lot 1, DP 270520, Windsor Road, Rouse Hill (Local)

Royal Oak Inn, Lot 101, DP 1058862, Windsor Road, Rouse Hill (State)

Rouse Hill Public School, Lot 1, DP 521503, and Lot 100, DP 1044226, Nos 831–833 Windsor Road, Rouse Hill (Local)

Former inn, Lot 11, DP 1009338, Windsor Road, Box Hill (State)

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)

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“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)

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)

[8] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Exempt development

(Clause 8)

Note. A person may carry out an activity specified in this Schedule without getting a consent from the Council, if the person complies with the exemption criteria that applies to the activity (which includes the deemed-to-satisfy provisions of the Building Code of Australia). However, the activity must not contravene any condition of a development consent already applying to the land and adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities not specifically set out in this Schedule still apply.

Requirements relevant to this Schedule are contained in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and the *Swimming Pools Act 1992* etc.

The following are examples of relevant provisions contained in *State Environmental Planning Policy (Infrastructure) 2007*:

- (a) Schedule 1 of *State Environmental Planning Policy (Infrastructure) 2007* provides that development for the purpose of certain identification, directional,

community information or safety signs associated with the use of road infrastructure is exempt development,

- (b) Clause 29 (3) of *State Environmental Planning Policy (Infrastructure) 2007* provides that development for the purpose of a portable one storey classroom may be carried out by any person without consent on land on which a school is located.

Access ramps for the disabled

- (1) Maximum height—1m above natural ground level.
- (2) Maximum grade—1:14 (vertical: horizontal).
- (3) Must comply with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*.
- (4) Must be of structurally adequate construction.

Advertising signs—all signs

- (1) Must not be a moving or flashing sign or other device.
- (2) Must not be a roof-top sign.
- (3) Must not be an airborne sign or a blimp.
- (4) Must not be an A-frame board or sign.
- (5) Signs over public roads must be set back at least 600mm from the edge of the carriageway.
- (6) Sign must relate to the use of the building or land on which it is displayed.

Advertising signs—business identification signs where home activities are allowed

- (1) Only one per premises.
- (2) Maximum area—0.75m².
- (3) Maximum height of freestanding sign—1.2m above natural ground level.
- (4) Must not be illuminated.

Advertising—public notice sign displayed by a public body giving information or directions about the services provided

- (1) Only one per 20m of street frontage, per premises.
- (2) Maximum area—3.5m².
- (3) If located on a fence, must not project more than 100mm from the fence.

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Advertising—real estate signs (advertising premises/land for sale or rent) in areas zoned residential, rural or commercial

- (1) Only one per premises or street frontage, whichever is the greater.
- (2) Maximum area— 2.5m^2 .
- (3) Must be removed when the property is sold or leased.
- (4) If located on a fence, must not project more than 100mm from the fence.

Advertising—temporary signs for religious, cultural, political, social or recreational events

- (1) Only one per street frontage.
- (2) Maximum area (residential areas)— 1.5m^2 .
- (3) Maximum area (commercial and industrial areas)— 3.5m^2 .
- (4) Must not include commercial advertising apart from the name of any event sponsor.
- (5) Must not be displayed earlier than 28 days before the event and must be removed within 14 days after the event.

Aerials, antennae and microwave antennae (not including satellite dishes)

- (1) Maximum number of aerials or antennae—3.
- (2) Maximum height—6m.
- (3) Must be for domestic use only.
- (4) Must be of structurally adequate construction.

Air conditioning units for dwellings (attached to external wall or ground mounted)

- (1) Noise level must not exceed 5dB(A) above ambient background noise level measured at the property boundary.
- (2) Building work must not reduce the structural integrity of the building.
- (3) Any opening created must be adequately weatherproofed.

Awnings, canopies and storm blinds on dwellings

- (1) Maximum area— 20m^2 .
- (2) Maximum height—2.4m above natural ground level.

- (3) Must be located behind the building setback and must be at least 500mm from each property boundary.
- (4) Must be of structurally adequate construction.

Barbecues

- (1) Maximum area—2m².
- (2) Maximum chimney height—2m above natural ground level.
- (3) Must be located in rear yard or courtyard area.
- (4) If located behind a courtyard wall, chimney must not extend more than 200mm above the wall.
- (5) Must not be located adjoining a property boundary.
- (6) Must be of structurally adequate construction.

Bird aviaries

- (1) Maximum area—10m².
- (2) Maximum height—2.1m above natural ground level.
- (3) Must be constructed of non-reflective materials.
- (4) Must be located in rear yard.
- (5) Must be located at least 500mm from each property boundary.
- (6) Must be located at least 9m from any dwelling on each adjoining property.
- (7) Must be for domestic purposes only.
- (8) Must be of structurally adequate construction.

Cabanas, gazebos and greenhouses

- (1) Maximum area—10m².
- (2) Maximum height—2.4m above natural ground level.
- (3) Must not be used for habitable purposes.
- (4) Stormwater runoff must be connected to existing stormwater system.
- (5) Must be constructed of non-reflective materials.
- (6) Must be located in rear yard.
- (7) Must be located at least 500mm from each property boundary.
- (8) Must be of structurally adequate construction.

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- (9) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

Car ports

- (1) Maximum area—20m².
- (2) Maximum height—2.4m above natural ground level.
- (3) Must be located behind the building setback.
- (4) Must be at least 500mm from the side and rear property boundaries.
- (5) Stormwater runoff must be connected to existing stormwater system.
- (6) Must be of structurally adequate construction.

Clothes hoists and clothes lines

Must be installed in accordance with manufacturer's specifications.

Cubbyhouses

- (1) Maximum height—2.1m above natural ground level.
- (2) Maximum area—10m².
- (3) Must be installed in accordance with manufacturer's specifications.
- (4) Must comply with the following:
 - (a) AS 1924.1—1981, *Playground equipment for parks, schools and domestic use*, Part 1: *General requirements*,
 - (b) AS 1924.2—1981, *Playground equipment for parks, schools and domestic use*, Part 2: *Design and construction—Safety aspects*,
 - (c) AS/NZS 4486.1:1997, *Playgrounds and playground equipment*, Part 1: *Development, installation, inspection, maintenance and operation*.
- (5) Structure must be at least 1.2m from a pool safety fence measured in accordance with AS 1926.1—2007 *Swimming Pool Safety, Part 1: Safety barriers for swimming pools*.
- (6) Must be of structurally adequate construction.

Decks (unroofed and attached to dwellings that are not located in areas identified by the Council as bush fire prone)

- (1) Maximum area—10m².
- (2) Finished surface level must not be greater than 1m above existing ground level.
- (3) Boundary setbacks for existing dwelling must be maintained.
- (4) Must be of structurally adequate construction.
- (5) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

Demolition

- (1) May only be carried out if erection of the structure is exempt development under this Plan.
- (2) Demolition must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

Fences—all fences

Must be constructed so that they do not prevent the natural flow of stormwater drainage or run off.

Fences—boundary fences

- (1) Maximum height for side fences between the building line and street or any other public place, and front fences—1m above natural ground level.
- (2) Maximum height for side fences between the building line and the rear boundary, and for rear boundary fences—1.8m above natural ground level.
- (3) Must be constructed of timber, metal or lightweight materials.

Fences—electric fences in rural zones

Must be erected in accordance with AS/NZS 3014:2003, *Electrical installations—Electric fences*.

Fences—masonry or brick fences

Maximum height—1m above natural ground level.

Fences—security fences around Council-owned compounds and depots

Must be constructed of chain wire type fencing.

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Flagpoles—in commercial or industrial zones

- (1) Does not include a flagpole used for the display of corporate flags.
- (2) Maximum height—9m above natural ground level.
- (3) Must be installed in accordance with manufacturer's specifications.
- (4) If flagpole is to project over a public road, must be installed in accordance with the requirements of the *Local Government (General) Regulation 2005*.
- (5) Must be of structurally adequate construction.

Flagpoles—in residential zones

- (1) Maximum height—6m above natural ground level.
- (2) Must be installed in accordance with manufacturer's specifications.
- (3) If flagpole is to project over a public road, must be installed in accordance with the requirements of the *Local Government (General) Regulation 2005*.
- (4) Must be of structurally adequate construction.

Fowl houses (for the keeping of chickens, hens and roosters) in rural zones

- (1) Maximum area—50m².
- (2) Maximum height—3m above natural ground level.
- (3) Must be structurally adequate.
- (4) Only one per property.
- (5) Must be constructed of non-reflective materials.
- (6) Must include provision for adequate drainage.
- (7) Must be located at least 9m from any dwelling.
- (8) Must be of structurally adequate construction.

Fuel tanks used in conjunction with agricultural activities on properties in excess of 2 hectares in rural zones

- (1) Maximum size—5,000 litres.
- (2) Must be constructed of prefabricated metal.
- (3) Must be freestanding.

- (4) Must be erected in accordance with manufacturer's specifications.
- (5) Must comply with AS 1940—2004, *The storage and handling of flammable and combustible liquids*.
- (6) Must not be erected within 20m of the street boundary or within 4m of a side or rear boundary.
- (7) Must not encroach on any registered easements.
- (8) Must meet any applicable requirements in respect of clearance from overhead power lines.

Garden sheds

- (1) Maximum floor area—10m².
- (2) Maximum height—2.1m above natural ground level.
- (3) Must be constructed of prefabricated material.
- (4) Must be freestanding.
- (5) Must be erected in accordance with manufacturer's specifications.
- (6) Must be located in the rear yard of premises.
- (7) Must be constructed of non-reflective materials.
- (8) Must be of structurally adequate construction.

Horse stables and animal shelters in rural zones

- (1) Maximum number of horses or animals—4.
- (2) Maximum size—50m².
- (3) Maximum height—3m above natural ground level.
- (4) Must be constructed of cut or round timber or of metal.
- (5) Any cladding must have a low reflective finish and must be fixed in accordance with manufacturer's specifications.
- (6) Must not be erected within 20m of a road boundary or 10m from the side or rear boundaries.
- (7) Must not encroach on any registered easement.
- (8) Must be erected in accordance with the requirements of the *Local Government (General) Regulation 2005*.
- (9) Must be of structurally adequate construction.

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Landscaping

Must only be landscaping works carried out in conjunction with other exempt development.

Letter boxes (free standing or in “banks”)

- (1) Maximum height—1.2m above natural ground level.
- (2) Must be sufficient boxes to provide one for each occupancy.
- (3) Must have appropriate numbering for each box.
- (4) Must be structurally stable with adequate footings.

Minor alterations—commercial premises

- (1) Internal:
 - (a) Must only be non-structural work, such as shelving, displays, benches and partitions that do not provide structural support to any part of the building.
 - (b) Floor area must not exceed 20m².
 - (c) Must not compromise fire safety or affect accessibility to a fire exit.
 - (d) Must not change the configuration of rooms whether by removal of walls or other means of structural support.
 - (e) If alterations relate to a food premises, must be carried out in accordance with the requirements of the Food Standards Code under the *Food Act 2003*.
- (2) External:
 - (a) Must only be changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work.
 - (b) Must not be the enlargement or extension of the building or work.

Minor alterations—residential premises

- (1) Internal:
 - (a) Must only be 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.
 - (b) Must only be alterations or renovations to previously completed buildings.

- (c) Must not cause reduced window arrangements for light and ventilation needs, cause reduced doorways for egress purposes or involve enclosure of open areas.
- (2) External:
 - (a) Must only be changes that involve the repair or renovation, or the painting, plastering or other decoration, of the building or work.
 - (b) Must not be the enlargement or extension of the building or work.

Patios at ground level abutting a dwelling

- (1) Stormwater from patio surface must not be redirected into adjoining property.
- (2) Must have sufficient step down to prevent the entry of water into the dwelling.
- (3) Must be of structurally adequate construction.
- (4) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

Pergolas

- (1) Maximum area—20m².
- (2) Maximum height—2.4m above natural ground level.
- (3) Must maintain boundary setbacks required for the associated dwelling with a minimum of 900mm from a boundary.
- (4) Must be of structurally adequate construction.
- (5) Must comply with the site coverage requirements specified in *Baulkham Hills Development Control Plan*, as adopted by the Council.

Playground equipment (excluding cubbyhouses)

- (1) Residential use:
 - (a) Maximum height—2.1m above natural ground level.
 - (b) Maximum ground coverage—10m².
 - (c) Must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.1—2007 *Swimming Pool Safety, Part 1: Safety barriers for swimming pools*.
- (2) Non-residential use:

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- (a) Maximum height—2.1m above natural ground level.
- (b) Maximum ground coverage—10m².
- (c) Must have adequate safety arrangements, including soft landing surfaces.
- (d) Must be at least 1.2m away from a pool safety fence measured in accordance with AS 1926.1—2007 *Swimming Pool Safety, Part 1: Safety barriers for swimming pools*.

Privacy screens

- (1) Maximum height—2.4m above natural ground level.
- (2) Maximum length—10m.
- (3) Must be installed in rear yard.
- (4) Must be constructed of translucent materials.
- (5) Must be free-standing and not attached to boundary fence without adjoining property owner's consent.
- (6) Must be of structurally adequate construction.

Re-cladding of roofs or walls or repair and maintenance of damaged materials

- (1) Must only involve replacing existing materials with similar materials that are compatible with the existing building and finish.
- (2) If re-cladding, must not involve structural alterations or change to the external configuration of a building.
- (3) If work involves asbestos, is not in a workplace and has a value of not more than \$12,000—if undertaken in accordance with *Working With Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by WorkCover Authority.
- (4) Work involving lead paint removal must not cause lead contamination of air or ground.

Retaining walls

- (1) Maximum height of 0.6m above natural ground level for retaining filling and maximum 1m below natural ground level for excavation.
- (2) Masonry walls must comply with the following:
 - (a) AS 3700—2001, *Masonry structures*,
 - (b) AS 3600—2001, *Concrete structures*,

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- (c) AS/NZS 1170.1:2002, *Structural design actions*, Part 1: *Permanent, imposed and other actions*,
 - (d) AS/NZS 1170.2:2002, *Structural design actions*, Part 2: *Wind actions*.
- (3) Timber walls must comply with the following:
- (a) AS 1720.1—1997, *Timber structures*, Part 1: *Design methods*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions*, Part 1: *Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2:2002, *Structural design actions*, Part 2: *Wind actions*.
- (4) Must be constructed so that the walls do not prevent the natural flow of stormwater drainage or run-off.

Sail awnings

- (1) Maximum area—20m².
- (2) Must be located behind the building line.
- (3) Must be attached to an external wall of a dwelling.
- (4) Must be installed in accordance with manufacturer's specifications.

Satellite dishes

Must meet the standards specified under clause 116 of *State Environmental Planning Policy (Infrastructure) 2007*.

Sheds for or in conjunction with agricultural activities in Zones 1 (a), 1 (b), 1 (c) or 1 (d)

- (1) Maximum size—50m².
- (2) Maximum height—5m above natural ground level.
- (3) Must be constructed of non-reflective materials.
- (4) Must be constructed of prefabricated metal.
- (5) Roof water must not be discharged onto adjoining properties and must be directed to a water tank or 3m clear of any structure.
- (6) Must not be erected within 20m of a boundary adjoining a road or within 10m of rear and side boundaries.
- (7) Must not encroach into any registered easement.
- (8) Must be located clear of septic disposal area or other services.

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- (9) Must not be erected within 20m of a dwelling on an adjoining property.
- (10) Must not be a machinery or hay shed unrelated to the normal agricultural activities on the property.
- (11) Must be of structurally adequate construction.

Skylight and roof windows

- (1) Maximum area of skylight—2m².
- (2) Must be located at least 900mm from each property boundary or a wall separating attached dwellings.
- (3) Building work must not reduce the structural integrity of the building or involve structural alterations.
- (4) Any opening created by the installation must be adequately weatherproofed.
- (5) Must be installed in accordance with manufacturer's specifications.

Solar water heaters and solar panels

Must meet the standards specified under clause 39 of *State Environmental Planning Policy (Infrastructure) 2007*.

Stockyards and shelters in conjunction with normal agricultural activities on the property (excluding commercial or intensive uses) in rural zones

- (1) Maximum yard area—0.5 hectare.
- (2) Maximum height—2.7m above natural ground level.
- (3) Must be of structurally adequate construction.
- (4) Must be constructed of timber or metal.
- (5) Must not be erected within 20m of the street boundary or within 4m of a side or rear boundary.
- (6) Must not be erected within 50m of a watercourse, a dwelling on an adjoining property or any registered easement.
- (7) Must be used in association with normal agricultural activities on the property.
- (8) Must be of structurally adequate construction.

Water features and ponds

- (1) Maximum water depth—300mm.

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- (2) Maximum area—10m².
 - (3) Overflow must not cause a nuisance to adjoining properties.

Water heaters (excluding solar systems)

- (1) Includes replacements or new installations.
- (2) Work must not reduce the structural integrity of the building or involve structural alterations.
- (3) Must be installed by a licensed tradesperson.

Water tanks at or above ground level in rural areas

- (1) Includes up to 2 tanks per dwelling and up to 2 tanks associated with farm buildings not near a dwelling.
- (2) Maximum capacity of 10,000 litres, or in the case of a tank installed on a lot used for an educational establishment, 25,000 litres.
- (3) Maximum height—3.0m above natural ground level (including stand).
- (4) Must be located at least 450mm from each property boundary.
- (5) Must not be situated closer to a street than an associated dwelling.
- (6) Must comply with the installation and maintenance specifications of the manufacturer or designer or the public authority that has responsibility for the supply of water to the premises on which the tank is installed.
- (7) Must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.
- (8) The installation of the tank must not involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- (9) Must be designed to capture and store only roof water from gutters or downpipes on a building.
- (10) A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.
- (11) Any overflow from the tank must be directed into an existing stormwater system.

Water tanks at or above ground level in urban areas

- (1) Only one per premises.

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- (2) Maximum storage capacity of 10,000 litres, or in the case of a tank installed on a lot used for an educational establishment, 25,000 litres.
- (3) Maximum height—3m above natural ground level (including stand).
- (4) Must be located at least 450mm from each property boundary.
- (5) Must not be situated closer to a street than an associated dwelling.
- (6) Must comply with the installation and maintenance specifications of the manufacturer, designer or the public authority that has responsibility for the supply of water to the premises on which the tank is installed.
- (7) Must be designed to capture and store only roof water from gutters or downpipes on a building.
- (8) Tank must be maintained to prevent mosquito breeding or overflow.
- (9) A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.
- (10) Any overflow from the tank must be directed into an existing stormwater system.
- (11) Any pump used in conjunction with the water tank must not create an offensive noise.

Windmills in rural zones

- (1) Must not encroach on any registered easement.
- (2) Must be freestanding.
- (3) Must be installed in accordance with the manufacturer's specifications.
- (4) Must be constructed in accordance with engineer's certification for the structure and footings.
- (5) Must meet any applicable requirements in respect of clearance from overhead power lines.

Windows, glazed areas and external doors (excluding windows in buildings listed as heritage items or in a conservation area)

- (1) Replacement in residential premises must be with materials that comply with:
 - (a) AS 1288—1994, *Glass in buildings—Selection and installation*, and

- (b) AS/NZS 2208:1996, *Safety glazing materials in buildings*.
- (2) Must not reduce the area provided for light and ventilation.
- (3) Structural support members must not be removed.
- (4) If for commercial or industrial premises, the reflectivity index must not exceed 20%.
- (5) Must meet any requirements in respect of clearance from power lines.

[9] Schedule 5 Classification and reclassification of public land as operational land

Insert at the end of Part 1:

Kellyville

Cattai Creek Conservation Area Reserve No 416, Glenhaven Road Proposed Lot 2 in subdivision of Lot 151, DP 869424, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 14)"