



New South Wales

Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)

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*. (P08/00206/PC)

TONY KELLY, MLC
Minister for Planning

2010 No 69

Clause 1 Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)

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1 Name of Plan

This Plan is *Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to Lots 2–4, DP 216713, 6–8 Seven Hills Road, Baulkham Hills, Lot 9, DP 28197, 27 Yattendon Crescent, Baulkham Hills, Lots 21 and 22, DP 588810, 2 and 4 Seven Hills Road, Baulkham Hills, Lot 1, DP 619055, 346–350 Windsor Road, Baulkham Hills and Lot 18, DP 659904, 344 Windsor Road, Baulkham Hills, as shown edged heavy black on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)” deposited in the office of The Hills Shire Council.

Schedule 1 Amendment of Baulkham Hills Local Environmental Plan 2005

[1] Clause 5 Definitions

Omit the definition of *the Council* from clause 5 (1). Insert instead:
the Council means The Hills Shire Council.

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

Insert in appropriate order:

Baulkham Hills Local Environmental Plan 2005 (Amendment
No 19)—Sheet 1

[3] Clauses 61 and 62

Insert after clause 60:

61 Development within Baulkham Hills

- (1) This clause applies to the land shown edged heavy black on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 1”.
- (2) The objectives of this clause are:
 - (a) to control the bulk and scale of future development on the land, and
 - (b) to ensure that future development on the land is compatible with the scale and character of adjoining development.
- (3) The consent authority must not consent to the carrying out of development on the land unless:
 - (a) the floor space ratio of the development does not exceed the maximum floor space ratio shown on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 2”, and
 - (b) the building height of the development does not exceed the maximum building height shown on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 3”.

62 Design excellence in Baulkham Hills

- (1) This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which clause 61 applies.

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Schedule 1 Amendment of Baulkham Hills Local Environmental Plan 2005

- (2) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) whether the development detrimentally impacts on any land protected by solar access controls established in the Baulkham Hills Development Control Plan,
 - (e) the requirements of the Baulkham Hills Development Control Plan,
 - (f) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.
- (4) Development consent must not be granted to the following development to which this plan applies unless an architectural design competition that is consistent with the Design Excellence

Guidelines has been held in relation to the proposed development:

- (a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,
 - (b) development having a capital value of more than \$5,000,000,
 - (c) development for which the applicant has chosen to have such a competition.
- (5) Subclause (4) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.
- (6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 2”, but only if the design of the building or alteration is the result of an architectural design competition.
- (7) In determining whether to grant consent to the development application, the consent authority is to take into account the results of the architectural design competition.
- (8) In this clause:
- architectural design competition*** means a competitive process conducted in accordance with the Design Excellence Guidelines.
- Baulkham Hills Development Control Plan*** means the Baulkham Hills Development Control Plan, as in force at the commencement of *Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)*.
- Design Excellence Guidelines*** means the Design Excellence Guidelines issued by the Director-General, as amended from time to time.