

**NOTES FOR DEPUTATION
MAYORAL MEETING
BAULKHAM HILLS SHIRE COUNCIL
FRIDAY 4TH AUGUST 1995
12.00 NOON**

RURAL LANDS STUDY

- ▶ Following a meeting of the Precinct Committees of Glenorie and Kenthurst on Monday evening, 24th July 1995, we would like to express our disappointment with the progress and lack of support of Council in respect to the Rural Lands Study being undertaken by a consultant and funded by the landowners. This deputation is to seek Council's support to resolve the outstanding issues, arrange meetings where necessary and instruct Council's staff to give the necessary support to ensure a favourable outcome to Council's resolutions of 1993. The following matters are of concern to the Committees and their members:-
 - Issues generally.
 - The timeframe of the Study to-date and delays in responses from Government departments and, therefore, reporting to Council.
 - The number of changes in Council's Officers in dealing with the matter and the lack of continuing liaison.
 - The perceived lack of support and direct involvement of Council Officers.
 - Indiffering attitudes of Council Officers at times.
 - The overlapping role of Government Authority responses.
 - Resolution of the now outstanding issues identified in Council's report of the 11th July 1995.
 - Arranging meetings with National Parks and Wildlife, Hawkesbury Nepean Trust and a formal deputation to the Department of Urban and Regional Affairs.

- ▶ The 1983 Study undertaken by Council staff and the subsequent 1990 Study by consultants was supported by Council and provided a broad assessment of the lands capability for 2 hectare lots within the Study Area. Arising from representations of landowners generally to the 1991 Study, Council resolved to prepare a draft Local Environmental Plan; Council identified Precinct Plans to identify the Study area; issues identified by the Department of Planning be addressed; funding of any studies required be borne by the landowners.

- ▶ After receipt of the Department of Planning's specification and matters further to be addressed advised by Council, the landowners, following formation of steering committees, engaged Don Fox Planning Pty Limited to undertake the further Study. The basis of that Company's engagement was their previous employment with Council and good knowledge of the area and their Company's experience in similar major studies undertaken for Blacktown Council, Fairfield Council, Warringah Council and Liverpool Council, together with a number of other similar type, although smaller, studies. The landowners agreed to fully fund the studies in order that the rezoning could be expedited. Council, at that stage, did not have the necessary funds estimated to exceed \$100,000 to engage consultants to undertake the Study, nor could they allocate staff resources.
- ▶ There were a number of Mayoral meetings between the Committee, the Consultant and, indeed, Government Departments, where Council expressed its total support for the Study and, indeed, offered the continuing support of Council Officers in respect to liaison with Government Departments and the like. Unfortunately, there has been a number of Council staff involved in the Study over the past two years, including Graham Brown, Tony Farrell, David Ryan, Michael Watt, Joy Quintal, Simon Kinchinton and now Greg Flynn. These staff changes and, indeed, indiffering attitudes at times have led to, in our view, unnecessary delays, perhaps a lack of general understanding of all issues and, indeed, at times, indiffering attitudes towards the Study itself.
- ▶ It appears to us that the requirements of the Study and the continuing need for additional work through the shifting of the "goal posts," having regard to the Study area of 2,454 hectares, compared with the total rural area of the Shire, could only be described as disproportionate. Of the Study area, 50.8% is privately owned, 41.3% owned by the Crown and 7.9% owned by companies. Indeed, the existing development potential of the land under existing zoning regulations is 375 dwellings, which would be approximately doubled should rezoning proceed. There are very few controls in respect to land use at present or, indeed, subdivision of steeper gullied areas. The proposed controls shift all development out of steeper and vegetated areas to areas cleared for agriculture. Additional controls are imposed to ensure that the subdivision would be environmentally friendly.
- ▶ The consultants were engaged in March 1993, and following consultation with relevant Government Departments, a draft report was presented to Council in November 1993. There were considerable delays in responses being received from the relevant Government Authorities and a meeting was convened at Council in August 1994 with relevant authorities including the Department of Planning, the State Member, Kevin Rozzoli, Councillor Les Shore, and the Consultants.

The only issues identified at that meeting were a need for further research in respect to flora and fauna and archaeological studies. Consultants were engaged, again at the expense of the landowners, after the National Parks and Wildlife Service had accepted the brief for the sub-consultants Study component and, indeed, provided a list of acceptable consultants. The final report was submitted to Council in February 1995. It was circulated to Government Departments, who had previously responded with issues to the draft Study in November 1993. A comprehensive report was prepared by Council Officers and presented to the Meeting of the 11th July 1995, outlining those responses and outstanding issues.

The recommendation of the Officers was that Council not proceed with the draft Local Environmental Plan and further, that a report on the issues of rural planning be forwarded to a future meeting of Council. Council deferred the report for further consideration, discussion and meetings on the comments made by other public authorities and Don Fox Planning Pty Limited, Consultant, on behalf of the landowners.

- ▶ The Council report identified the issues of the relevant Government Departments, expressed concern to the draft report and identified in conclusions outstanding issues. We would suggest that these fall into two groups, one being policy issues of Council needs to resolve and the others, outstanding issues to be further negotiated with the relevant Government Departments. We would also point out that during the course of the Study there were, at first, negative responses from the Department of Agriculture and Sydney Water, however, after further investigations, site inspections in company with the Consultant, both Authorities have now raised no objections generally to the rezoning. It is felt that similar discussion, including Council, with the National Parks and Wildlife Service and the Hawkesbury Nepean Trust could resolve those outstanding issues and allow the matter to proceed.
- ▶ It seems that the policy issues to be resolved by Council are:-
 - the inclusion of slope 20° to 33° in the lot area calculation, but excluded from development
 - slope greater than 33% to be privately owned, but zoned for Environmental Protection.

The other issues outstanding appear to be:-

- Clarification of the development potential, and in this regard, we would suggest that the report adequately outlines the existing area for subdivision, the land ownership and the development potential. This issue in our opinion is adequately addressed.
- Water quality and on-site effluent. The report indicates that no testing has been done of creeks, which is correct, due to the high expense. Indeed, both Council and the Water Board have not undertaken any exhaustive testings. The proposal by the Consultants was for development of on-site management to ensure that no waste waters or, indeed, stormwater left the site without being of an acceptable quality.

Systems such as Ecomax were proposed for effluent disposal and, indeed, siltation ponds and dams proposed to control stormwater measures. The controls are currently not implemented at present. There also appears a lot of mis-information as to the failure of septic type systems and aerated systems, however, these systems have not separated to give a proper appreciation of the operation of such systems and failure rates. It is pointed out that the Ecomax system has now been accepted by Sydney Water.

- Flora and fauna impacts. We are at a loss to understand issues still being raised in respect to these areas as additional studies were undertaken at the landowners' expense after the brief and, indeed, the preferred consultants were referred to the National Parks and Wildlife for their acceptance. It is clear from the plans that the development areas proposed are in areas presently cleared for agricultural purposes along the ridgetop. It is difficult to understand the impact therefore of the proposed development on vegetation. It is also proposed to retain all of the creek lands and vegetated areas in their present state to provide for flora and fauna corridors. This will also assist in water quality being maintained through no development of steeper lands which may cause erosion.
 - Planning Controls. Many of the controls suggested by the consultant are contained in Council's Development Control Plan for Rural Lands and many of the matters required for assessment already contained on Council's Development Application form. The Consultants have used a Development Control system following extensive assessment of environmentally sensitive lands.
- ▶ From the Committee's prospective representing the landowners who have funded the Studies, we would suggest the following:-
- Council staff and the Consultant focus on the outstanding issues in an endeavour to reach agreement;
 - Council make a determination on the slope for land to be included in the subdivisible area and also determine whether preference is made for an environmental protection zoning of lands steeper than 33%, but held in private ownership;
 - Council arrange a meeting (including the consultant) with the National Parks and Wildlife Service and Hawkesbury Nepean Trust regarding the issues of water quality and flora and fauna;
 - Council arrange a formal deputation (including the consultant) to the Department of Urban and Regional Affairs in an endeavour to conclude the rezoning of rural lands in part of the local government area.