

Don Fox Planning
PTY. LIMITED

23 February 1996
Our Ref: P1498.7DF:CW

**PRÉCIS
RURAL LANDS STUDY
BAULKHAM HILLS SHIRE COUNCIL**

- June 1983:** Rural Lands Study by Baulkham Hills Shire Council's Town Planning Department proposing that the 2 hectare zone be extended to Hillside. The Water Board advised that it was not in favour of rezoning without reticulated water and rezoning did not proceed.
- June 1991:** Rural Lands Study Stage 2 undertaken by Consultants, Rice Daubney, which reduced the area from the previous Study to that served by reticulated water. Consideration was deferred.
- July 1992:** Meeting at Baulkham Hills Shire Council comprising Councillors, Council staff, local Members of Parliament, Representatives of State Government Departments, Representatives of Landowners effected by the rezoning, all to discuss Council's resolutions, implications of recommendations and the representations of the State Government Departments.
- September 1992:** Baulkham Hills Shire Council resolved to prepare a Draft Local Environmental Plan to rezone land within the Study area (including land identified in the 1983 Study not connected to reticulated water). Department of Planning advised under Section 54 of the E.P.A. Act.
- November 1992:** Department of Planning requirements for Study (copy attached).
- December 1992:** Report to Baulkham Hills Shire Council advising of Department of Planning's requirements and that the Study would be extensive and take at least 12 months at a cost in excess of \$100,000 to complete. Council resolved to prepare a catchment plan to enable landowners to fund and undertake the Study (copy attached).
- February 1993:** Baulkham Hills Shire Council advised residents of the proposed Study and funding arrangements.
- February 1993:** Residents advised Council of establishment of Steering Committee and appointment of Don Fox Planning Pty Limited to undertake the Study. Funding of the Study would be by a levy on landowners on an acreage basis.

- March 1993:** Progress report to Council.
- May 1993:** Don Fox Planning Pty Limited confers with relevant Government Departments regarding their requirements for the Study.
- November 1993:** Sub-consultants report (on behalf of Don Fox Planning Pty Limited) regarding water quality issues and impacts of rural subdivision. The Report also contained Guidelines for development proposed.
- December 1993:** Draft Study Report by Don Fox Planning Pty Limited lodged with Baulkham Hills Shire Council.
- March 1994:** Council Officers' Report on responses from Government Departments advising "Study does not address a range of issues pertinent to the development as proposed". Further consideration of the recommendations deferred.
- August 1994:** Meeting convened at Baulkham Hills Shire Council comprising Councillors, Council staff, the local State Member, Department of Planning, Hawkesbury Nepean Trust, National Parks and Wildlife and the Consultant and Sub-consultant to address water quality issues and submissions from Government Departments. National Parks and Wildlife, Council and Department of Planning required further investigation into flora and fauna and Aboriginal artefacts.
- September 1994:** List of sub-consultants in flora and fauna and Aboriginal artefacts provided by National Parks and Wildlife Service to Don Fox Planning Pty Limited.
- October 1994:** Responses from sub-consultants in flora and fauna and Aboriginal artefacts providing a work outline and fee structure which were forwarded to National Parks and Wildlife Service for comment, who advised that they were happy with the Consultants, subject to field work being undertaken.
- October 1994:** Residents' Committees advised of additional fees of \$18,600 for flora and fauna and Aboriginal artefacts. The residents agreed to fund the sub-consultants by collection of additional levies.
- December 1994:** Don Fox Planning Pty Limited receives sub-consultants' reports in respect to flora and fauna and Aboriginal artefacts.
- March 1995:** Final draft Consultant's Report (Don Fox Planning Pty Limited) lodged with Council.
- July 1995:** Council report identifying key issues still not resolved and resolution of Council not to proceed with Draft LEP to rezone.
- August 1995:** Resident Precinct Committee Members, Rural Ward Councillors, State Local Member and the Consultant attended a meeting with the Mayor to discuss:-

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- * the timeframe of the Study to-date; delays in responses from Government Departments and reporting to Council;
- * the number of changes in Council Officers in dealing with the matter and the lack of continuing liaison;
- * perceived lack of support and direct involvement of Council Officers;
- * indiffering attitude of Council Officers at times;
- * the overlapping role and responses of Government Authorities;
- * resolution of the now outstanding issues identified in Council's Report of 11 July 1995;
- * seeking to arrange meetings with National Parks and Wildlife, Hawkesbury Nepean Trust and a formal deputation to the Department of Urban and Regional Affairs. Council was requested that staff and the consultant focus on the outstanding issues in an endeavour to reach an agreement;
- * Council make a determination of slope of land to be included in the subdivisible areas regarding lands steeper than 33%.

September 1995: Response from Council Mayor that application was a private rezoning on behalf of landowners and Council must be independent in their appraisal and any concerns should be taken up with Government Departments in respect to responses. Council staff were willing to discuss outstanding issues and that land in excess of 20% should be included in a conservation zone.

October 1995: Meeting at Baulkham Hills Shire Council convened by Consultant (Don Fox Planning Pty Limited) including Mayor, North Ward Councillors, Council staff, National Parks and Wildlife, Hawkesbury Nepean Trust, Precinct Committee Residents' Representatives, as observers, Department of Urban Affairs and Planning tendered an apology. No resolution to outstanding issues.

December 1995: Response from AWT to Consultant (Don Fox Planning Pty Limited) regarding water testing of streams.

February 1996: Further response from AWT regarding a fuller program for stream testing, analysis, research and recommendations.

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AUTHOR'S NOTE:

In order to fully understand the area of land and dwellings and subdivision potential, the following is advised.

- The existing Study area covers approximately 2,454 hectares, of which 981 hectares is owned by CALM and comprises some 277 existing lots (Page 7 Consultant's Report).
- The current zoning is Non-Urban 1(b) which has a 10 hectare minimum lot size. There are no restrictions in respect to subdivision of steep gully land or dwelling house locations. The rezoning proposal attempts to limit subdivision to the flatter and generally cleared areas on the ridges with no development permitted on the steeper lands.
- There are currently approximately 148 dwelling houses erected within the Study area and potential for an additional 122 dwelling houses without any further subdivision of land parcels, i.e. 270 dwelling houses (Page 9 of Consultant's Study Report).
- A further subdivision of existing parcels occurred as permitted by the existing LEP, then 105 additional lots could be created or a potential of 375 dwellings on full subdivision and development (Page 9 of Consultant's Report).
- Such subdivision and development would not necessarily have regard to existing slope constraints, vegetation and the like, as recommended in the Study.
- The subdivision proposal presented in the Study would result in a number of additional lots, or ultimately dwellings, ranging from 254 to 421 lots, the higher figure including CALM land (Page 9 Consultant's Report).

The development scenarios described above mean that with the rezoning, there would be a potential increase of 27 dwellings on top of what could be developed under the existing planning controls (not including CALM land) to 194 dwellings (including CALM land) which could be constructed, subject to all of the environmental criteria as outlined in the Study.

Clearly, such a minor increase in dwellings and the stringent environmental requirements proposed to be incorporated in the Plan is a significantly preferable situation than the carte-blanche approach which is currently taken to subdivision and dwelling construction under existing LEP requirements.

**DON FOX
MANAGING DIRECTOR
DON FOX PLANNING PTY LIMITED**

Enclosure: 1. Department of Planning requirements.
2. Catchment Plan