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Executive summary

Background

Baulkham Hills Shire Council has been preparing a Rural Lands Study (RLS) over the past 4 years to provide the basis for planning controls in rural areas. Although as yet there are no draft planning instruments on public exhibition, a planning response based on the outcomes of the RLS findings had been compiled by council officers and a report to council prepared. On the basis of this report, and the initial community feedback, council has commissioned Connell Wagner to undertake an independent review of the RLS and the planning response outlined in reports to the council.

Baulkham Hills Shire is a metropolitan fringe area. It is fast growing and under increasing development pressures. These pressures have been evident since the days of the County of Cumberland Planning Scheme (CCPS) and Sydney Region Outline Plan (SROP) which identified land releases in the shire in the 1950s and 1960s respectively.

The rural areas of the shire are contained on an elevated, dissected plateau which retains an extensive native vegetation cover and steep topography in some areas. Whilst traditional agricultural pursuits have tended to relocate or disappear, more contemporary and niche agricultural enterprises have appeared. Previous subdivision of rural lands has also provided many forms of rural living (including villages and rural residential areas). The rural lands are a unique part of the shire in which rural living opportunities coincide with some limited agricultural uses and large tracts of remnant native bushland, in areas, on steep terrain.

The pressures for a rural lands strategy has arisen from the interaction of a complex range of factors including:

- Local residents’ desires for subdivision for a great variety of reasons.
- Demand from others within and outside the shire to become residents in the rural areas on parcels of land of a manageable size.
- The need to protect legitimate agricultural uses and foster new ones.
- A desire to protect the “rural” atmosphere and life in the area.
- The very real limitations of infrastructure such as water, sewerage and power services.
- The extent of remnant native bushland which contains many threatened species and which is often located on streams and steep terrain.
- A significant bushfire risk.
- External influences including state government policy which seeks to balance economic, social and environmental considerations from a state perspective.

The challenge that faces Baulkham Hills Shire Council is balancing legitimate social needs with economic and environmental objectives. Managing these so-called “triple bottom line” considerations is an issue for all levels of government.

Review aims and scope

The broad aims of this review are to:

- Ensure that the technical work and the findings of the Rural Lands Study strategy documents are robust and a sound platform for land use planning controls for the rural lands of the shire.
- Provide advice in relation to the planning response contained in reports to council (including the draft local environmental plan and development control plan).
- Critically review the Rural Lands Study in relation to the proposed land use designations and the subdivision potential of particular rural areas.
In particular the review is intended to provide advice on these specific issues:

1. Potential for subdivision of lots over 5 hectares.
2. Potential for further subdivision around rural villages.
3. Potential for subdivision where there is access to reticulated water.
4. Potential for subdivision in the Maraylya, Box Hill, Nelson and Kenthurst areas.
5. Opportunity for rural enterprise zoning and tourism and agribusiness based activities.
6. Potential for best practice solutions to create sustainable subdivisions with regard to infrastructure constraints.

The review is not a verification of the Rural Lands Study nor is it intended to provide the more detailed investigations suggested in the RLS such as village expansions and urban design outcomes. It is intended to provide council with:

- **A clear understanding of the compliance of the work done to date with relevant statutory requirements.** It is concluded that the draft local environmental plan and development control plan as presently compiled do so comply.
- **Whether the views of statutory authorities and the community have been taken into account.** It is concluded that these views have largely been taken into account although it is acknowledged that it is unlikely that all community views could be accommodated regardless of the planning response. This is the nature of planning being a “balance”.
- **How the constraints to development have been recognised in the planning response.** It is considered that the draft planning response is one means of addressing these constraints although it is acknowledged that there are others. These alternatives are explored within this report.
- **Whether there are opportunities for further rural area living.** It is concluded that there are other opportunities and, again, these alternatives are explored within this report. However, it is also noted that wholesale two hectare (five acre) development across large tracts of the shire was not supported by the RLS, is not supported by this review, and is not likely to be supported by the council nor the NSW Government.

It is important to stress that the RLS is not being prepared in a policy vacuum and that council must, by legislation, take into account this policy background. A brief outline is provided below.

**Policy context**

The review of planning policy for the rural lands of the shire takes place against the backdrop of state government policy for the metropolitan area as well as the legal requirements proscribed by the NSW Environmental Planning and Assessment Act 1979 (EPA Act) for the preparation of environmental planning instruments such as draft local environmental plans.

Any draft local environmental plan that is submitted to the government for approval must be consistent with general and specific government policy or, where inconsistent, must be sufficiently justified through a local environmental study or through appropriate submissions.

The Minister for Infrastructure, Planning and Natural Resources is not bound to accept or ratify a local environmental plan and will take advice through the Department of Infrastructure, Planning and Natural Resources (DIPNR) on the consistency of the local environmental plan with state and regional planning policy. The minister may also take into account the advice of relevant government authorities, as well as submissions from the council and the community.

Fundamental to this review is whether the planning response is consistent with the objects of the EPA Act. As noted above, there is also a myriad of policy documents that need to be considered and this
Rural Lands Study

The RLS has been undertaken over a number of years and has involved many consultations and assessments and provides:

- A growth management strategy.
- Development directions and guidelines against which development can be measured.
- A vision and strategies for growth management, land use planning, quality of life, economic and employment opportunities, infrastructure, water catchments, ecological management, scenic landscapes, heritage and culture, and natural hazards.
- Sustainability indicators against which strategies can be tested.

With specific reference to the further subdivision of rural lands, it is considered that the RLS does come to a logical and tenable position that the further wholesale subdivision of the rural lands is not justifiable for a variety of reasons. This is a position that would also have considerable support in the community.

The RLS also provides a sound basis to strategically manage the rural lands of the shire. There are very clear guidelines within the RLS that can be readily used as the basis for land use planning controls and to gauge the impact of development.

With regard to the proposed land use designations, the RLS adopted a relatively broad brush approach to the future management of the rural lands effectively segregating the entire rural area into three basic rural zones (Rural Landscape, Rural Living, Nature Conservation) and a village zone. This system is more easily administered, is more readily understood by the public and effectively duplicates the present land use zoning approach. The clear advantage is that there is relatively little change from the current system.

However, while the strategies put forward in the RLS largely meet current NSW government planning policies, the nexus between the very broad strategies proposed in the RLS, and the manner in which these would ultimately be implemented in a draft local environmental plan, could have been more clearly articulated. This seems to be the clear message from the consultations undertaken as part of this review.

For example, the basis of the Mixed Use Rural Living and Rural Landscapes land use designation boundaries is not made particularly explicit apart from the land uses they currently support and the desire to maintain land uses and lot sizes. A large tract of the Nature Conservation zone is based around the former Maroota State Forest lands and the transfer in ownership could lead to extensive change with the proposed 40 hectare zoning controls which is not recognised in the RLS as this occurred after the investigations were complete. In addition, while the RLS discussed a “Biodiversity Protection (Overlay)”, it was not made explicit that this would translate into a conservation zone.

It was also a shortcoming that the RLS did not explicitly identify village expansion zones in finer detail, and evaluate lower densities around the villages as a transition to less dense rural areas as well as offering opportunities for provision of services and facilities.

It is likely that the long term strategic management of these rural lands requires a greater degree of differentiation than that proposed in the RLS. This is discussed further below.
The planning response to the RLS: draft local environmental plan and development control plan

An assessment of the draft local environmental plan and development control plan prepared under Stage 3 of the RLS has been undertaken against the following agreed criteria:

- Do the draft plans reflect the outcomes and recommendations of the RLS strategy documents?
- Does the draft local environmental plan comply with statutory requirements under the Environmental Planning and Assessment Act 1979?
- Do the draft plans address matters raised within statutory consultation undertaken pursuant to the EPA Act?
- Do the draft plans consider and address the issues raised within public submissions and representations?
- Do the draft plans address any new issues or new information obtained through additional stakeholder consultation undertaken as part of the review process?

The planning response to the RLS as detailed in the draft local environmental plan and development control plan put forward are broadly consistent with relevant state and regional planning policies, address issues raised by public authorities and would comply with the EPA Act. There are a number of areas where clarification or further assessment may be required and the work outlined in the RLS (such as controls for villages and determination of expansion areas) should be advanced.

However, as noted above, further refinement of the proposed zones could address a range of issues raised by the community and may provide a more substantial argument for changes to the existing and proposed zoning. This is especially if council is to pursue additional two hectare subdivision.

Ultimately, the Minister and DIPNR will have the decision on whether a draft local environmental plan and development control plan are acceptable. The council must take into account community views, however, it is stressed that any draft local environmental plan that is not consistent with state government policy and seeks to vary accepted planning principles is only likely to be assented to by the Minister if it is based on sustainable development principles.

In particular, a zoning system that allows additional rural living opportunities without significant environmental protection measures (eg specific zones or similar) is not likely to succeed.

Advice on specific issues

In additional to the review of the RLS we were asked to provide advice on several specific issues. These issues are dealt with below.

1. The potential for subdivision of lots over five hectares

The very clear advice in the RLS, from key state government agencies and from many members of the community is that wholesale two hectare (five acre) subdivision across the shire is not supported. The adverse social, economic and environmental implications of substantial small lot rural-residential development spread across the shire are clear. The view most clearly put by DIPNR is that it would not accept a draft local environmental plan that proposed further extensive small lot subdivision across the shire.

That being said, the discussion above on further zoning differentiation has not been tested in the community or with DIPNR. If opportunities for additional rural living are to be realised, a differentiated and targeted approach is needed to ensure that the scale and location of any rural-residential subdivision is consistent with the objectives espoused in the RLS and with broader metropolitan policy objectives.
2. The potential for further subdivision around the rural village areas

Rural land surrounding the existing rural villages is one location that should be investigated for some limited small lot rural residential subdivision. There are arguments that increased density around rural residential villages could be achieved without compromising their rural setting and character, and which could provide additional impetus for upgrading of infrastructure.

However, there is an immediate need for longer-term planning for the villages themselves. Any intensification of rural subdivision that would reduce or preclude opportunities for future village expansion should be opposed.

Within the scope of this review and given the lack of detail on this matter in the RLS, it is not possible to complete the analysis to support substantial changes to village zoning nor to support any changes in densities to the villages. However, it would appear that village development, and the development of their immediate surrounding rural areas, offers potential for further rural living opportunities.

3. The potential for subdivision where there is access to reticulated water

Sydney Water has reiterated previous advice that the current system has limited capacity and there are no plans for the extension or amplification of existing services to the rural areas. The existing water supply infrastructure cannot cater for further subdivision of rural land without major amplification of the system to maintain acceptable water pressure. Any amplification would need to be privately funded. If appropriate, private funding of these extensions should be advanced.

If development is proposed that does not have access to reticulated water and there is no prospect of private funding, further subdivision within these areas would have to propose use of rainwater tanks for domestic water supply and would be subject to the same sewerage disposal and land capability issues as other parts of the shire. Rainwater tanks have limitations and best practice for smaller lot rural residential subdivision is to have a reticulated water supply. On-site sewerage systems are not generally suitable for lots smaller than two hectares and this restricts the potential for further subdivision in these areas.

4. The potential for subdivision in the Maraylya, Box Hill, Nelson and Kenthurst areas

Box Hill
The proposed North West Growth Centre was announced in December 2004 which excludes the northern part of the Box Hill area between Old Pitt Town Road and Maguires Road. It is understood that the problems with draining this land back into the urban release areas was the main reason it was excluded. In the event that this area is not proposed to be held for future urban development in the immediate term, investigations should be undertaken into the longer term inclusion into the Metropolitan Development Program before any rural residential subdivision is permitted.

The southern part of the Box Hill area to Old Pitt Town Road forms part of the Rouse Hill Development Area under SREP 19 and is appropriately zoned Rural 1(a) to ensure that the future urban development of the area is not hindered.

Maraylya
The south-western portion of the area appears to have suitable physical conditions for smaller lot subdivision and this could support a village if this is eventually established (as was discussed in the RLS). However, more detailed land capability assessments are required including assessments of the availability of water and sewerage services that could be supplied from the new urban release areas and whether this land is required for urban release purposes in the longer term.
Nelson

The Nelson area adjoins the Rouse Hill Development Area and from an orderly and economic planning perspective there may be an argument to retain this area for future urban development. If not required for urban land release, there may be potential for some further limited subdivision within the southern part of the area close to Old Pitt Town Road as a transitional area between urban and rural areas. This would be subject to detailed land capability assessment.

However the lot size data presented in the RLS indicates that most of the southern portion of the area is already subdivided into lots under three hectares. There may be some potential for some further subdivision along the southern section of Janpieter Road and Nelson Road where there are larger landholdings, subject to detailed land capability assessment.

Kenthurst

The north-western part of Kenthurst is currently zoned Rural 1(b) with a 10 hectare minimum lot size. The data presented in the RLS indicates that rural lot sizes in this area are generally between eight and 38 hectares. The area is heavily constrained by topography, native vegetation and bushfire risk that would limit the potential for small lot subdivision other than perhaps along the ridgelines along Cattai Ridge Road and Pitt Town Road. More detailed land capability assessment would be required to be able to delineate areas that may be suitable for subdivision below the current 10 hectare minimum lot size restriction, although there may be some potential.

5. The opportunities for rural enterprise zoning and tourism and agribusiness activities

The Metropolitan Strategy Discussion Paper Planning for a Better Future acknowledges that growth management and greater recognition of the value of rural and agricultural lands are key planning issues facing Sydney.

The non-viability of traditional agricultural uses and the scope for alternative economic uses of this land is a planning concern that needs to be addressed otherwise these areas will become vacant and sterile. A related concern is the long-term viability of small commercial village centres that serve these rural areas.

There are many potential uses for rural lands where traditional agricultural production is marginal or no longer viable that do not require further subdivision. These include boutique farming operations and agritourism such as farmstay and bed and breakfast accommodation, cafes and restaurants, and farm gate sales. These forms of development have been highly successful in the Hunter Valley and in other parts of Australia such as the Swan Valley in Western Australia.

The draft local environmental plan introduces new provisions for farm gate sales to encourage the development of tourism enterprises that promote agriculture in the rural zones. This is in addition to existing provisions that permit uses such as restaurants and bed and breakfast establishments. As an immediate short-term measure, the rural zone provisions could be reviewed to ensure that a wide range of urban agriculture uses is promoted and that these opportunities are available to landowners.

However, there is a recognised need at both state and local government levels for a more strategic and coordinated regional approach to managing rural change and the planning response implemented through local planning instruments as part of a broader regional economic development strategy for the rural fringe areas. The concept of a rural enterprise zone or similar has been mooted as one planning mechanism to provide for and encourage agribusiness and agritourism uses on rural lands. The concept needs to be further investigated and developed on a technical level and embraced on a political level. There could be a suite of other mechanisms both within and outside the planning system that are required to encourage and facilitate these alternative land uses.
In response, Baulkham Hills Shire Council has recently initiated a separate and broader study into the regional rural economy and strategic options for the rural fringe areas in association with other metropolitan fringe councils and DIPNR. This includes consideration of the potential for a rural enterprise zone and model local environmental plan provisions to provide for and encourage agribusiness and agritourism uses on rural lands on the metropolitan fringe. The decision to adopt a regional approach reflects the fact that the rural development issues facing Baulkham Hills are not unique and is an approach that DIPNR has encouraged.

6. The potential for best practice solutions to create sustainable subdivision outcomes having regard to infrastructure constraints

The absence of suitable reticulated water and sewerage systems across the rural parts of the shire is one of the major constraints to further rural residential subdivision. The potential for alternative water supply and sewerage systems is discussed below to help inform the debate. It is noted that best practice is to have a reticulated water supply at least for two hectare subdivision and reticulated sewerage for smaller rural residential lots (ie below two hectares).

Land capability

Land capability is a significant consideration in allowing further rural living opportunities. Land capability includes consideration of slope, soils, remnant vegetation, bushfire (and other) hazard and scenic value. There are parts of the shire that are simply unsuitable for further rural residential subdivision due to physical constraints of slope or soil conditions or due to the presence of significant remnant vegetation and fauna habitat.

However, land capability also relates to the manner in which land can be developed and includes considerations of social and economic development. Development around villages is one example where such considerations should be taken into account (subject of course to the above capability limitations). However, it is noted that the work done in the RLS does not allow detailed assessment of land capability for some of the above areas. This work would need to be carried out if additional smaller lot rural living opportunities are to be created.

Water

Sydney Water advice is that the public reticulated water supply system will not be extended or augmented to service non-urban zoned land within the shire unless privately funded. This is potentially a viable option if land around villages is developed at higher densities (ie smaller lots) and for areas that are adjacent to existing mains. However, the costs of installation of such systems may be prohibitive and the scope of this review does not extend to assessing the cost/benefits of this type of expenditure.

The use of rainwater tanks of a size sufficient to supply potable water for domestic household use and for fire fighting and land management purposes may be an option. However, even using large tanks (eg 100,000 litres) there could be situations where households may frequently require water cartage tankers to supplement supply. The widespread reliance on rainwater as the sole source of potable water for households is therefore likely to be an impediment to higher densities.

Sewerage

Sydney Water advises that the public sewerage system will not be extended or augmented to service non-urban zoned land within the shire unless privately funded.

The alternative is on-site treatment and disposal. On-site sewerage systems are not generally suitable for lots smaller than two hectares because of the need for a large disposal area that will be sustainable. The use of basic septic systems would not be acceptable.
There are two options available for on-site treatment: individual package systems that provide secondary treatment or a reticulation network of low pressure or vacuum sewerage that feeds a small package plant. Even with the best-planned systems, there is the risk of failure.

The use of these alternative sewerage systems may be possible for some parts of the shire and for a limited number of additional lots but are not considered suitable for extensive areas of small lot subdivision across the rural areas.

Conclusions and recommended actions

It is considered that the RLS is a useful basis upon which a draft local environmental plan and development control plan can be prepared. It is clear, however, that proposals for wholesale two hectare subdivision have little chance of success.

The approach of the RLS in formulating land use designations has merit, however, they are very broad and further work is required. Notwithstanding there is a need for additional work, there would appear latitude for some additional rural living opportunities both around villages and as additions to existing two hectare areas.

In making this point, there is an urgent need to investigate all potential village expansions as these are critical to the long term development of the rural areas. Rezoning around these villages should not occur until this work is complete.

Further refinement of the zoning proposals that are contained in the draft local environmental plan could provide the basis for further subdivision in targeted locations. However, it must be stressed that such refinements should include provision for environmental protection zones or similar otherwise any plan submitted to DIPNR is likely to be rejected. There is clearly a need to educate the community that a future local environmental plan must make such provision. Arguments that land is already protected by other legislation are unlikely to be accepted.

The former Maroota State Forest is an extremely large landholding now in private hands. While there is doubtless significant environmental values in the area, there are also areas that may offer limited potential for rural living opportunities. However, until a clearer understanding of the values and opportunities of this area is at hand, the area should not be rezoned and dwelling entitlements should not be permitted. Given the vast, varied and significant area that this holding represents, it is suggested that an area specific local environmental plan be produced.

The following actions arising from this review are recommended:

1. Immediately investigate all potential village expansions and hold any rezoning around these villages until this work is complete.
2. Investigate potential for smaller transitional lots (ie less than two hectares) around villages to support villages, subject to being supplied with water and sewerage services.
3. Assess willingness of landholders to forward fund the provision of infrastructure especially water and sewerage services.
4. Consider rezoning of lands at Maraylya, Nelson and Kenthurst for two hectare subdivision subject to further land capability assessments.
5. Develop staging plan for any future land releases if further rezonings are proposed.
6. Investigate further differentiation of land use designations into small and large holding areas (agricultural and rural living) zones, and environmental protection zones, to support any rezoning proposals.
7. Investigate the future long term development of the former Maroota State Forest and consider an area-specific local environmental plan for the area. In the meantime, defer the area from any future local environmental plan until a clearer understanding of the constraints and opportunities are understood.
8. Review the boundaries of the 7(a) environmental protection zone and consider refinements where necessary. If necessary, adopt additional environmental protection zones or overlay zones to reflect varying environmental constraints.
1. **Background**

1.1 **Need for the review**

Baulkham Hills Shire Council is located on the fringe of the Sydney metropolitan area and covers an area of some 380 hectares. The shire is one of the fastest growing areas in New South Wales and comprises a mix of urban and rural areas. The rural zoned lands within the shire comprise about 80 percent of the total land area of the shire or about 300 square kilometres. The rural lands are located within the northern parts of the shire and there are several rural villages located across the shire that service the rural areas.

An important challenge that faces Baulkham Hills Shire Council is managing the high rate of urban growth within the shire while ensuring the ongoing protection and sustainable use of the rural and agricultural lands. This requires a careful balance between competing land use demands and a clear delineation of urban and non-urban land through appropriate long-term planning strategies.

The pressures for a rural lands strategy has arisen from the interaction of a complex range of factors including:

- Local residents’ desires for subdivision for a great variety of reasons.
- Demand from others within and outside the shire to become residents in the rural areas on parcels of land of a manageable size.
- The need to protect legitimate agricultural uses and foster new ones.
- A desire to protect the “rural” atmosphere and life in the area.
- The very real limitations of infrastructure such as water, sewerage and power services.
- The extent of remnant native bushland which contains many threatened species and which is often located on streams and steep terrain.
- A significant bushfire risk.
- External influences including state government policy which seeks to balance economic, social and environmental considerations from a state perspective.

This is not a new issue for the shire. The past 20 years has seen four rural lands studies prepared for the Baulkham Hills Shire:

- The first in 1983 led to the ultimate development of the Parkridge Estate in Kenthurst and expansion of the Kenthurst village area.
- A second Rural Lands Study prepared in 1992 was not adopted by council.
- A third Rural Lands Study was commissioned by a group of landowners in 1993. The findings of this study were not endorsed by state government agencies and council did not adopt the study.
- The fourth Rural Lands Study is the current one which has been undertaken over the past four years.

The broad aim of the current Rural Lands Study was to determine a sustainable land use strategy for the rural areas of the shire. The study involved the preparation of strategy documents through an extensive process of technical evaluation and stakeholder and community consultation. The process has culminated in the preparation of a draft local environmental plan and draft development control plan for the rural lands.

There has been considerable debate within the community about the planning response to the future use and development of the rural lands proposed within the draft local environmental plan and development control plan. There are some that favour the planning controls proposed and others that feel the planning response is not appropriate. The council therefore resolved to commission an independent review of the Rural Lands Study with a particular focus on the planning response put forward within the draft local environmental plan and development control plan.
The challenge that faces Baulkham Hills Shire Council is balancing legitimate social needs with economic and environmental objectives. Managing these so-called “triple bottom line” considerations is an issue for all levels of government.

1.2 Review aims and scope

The broad aims of the review are to:

- ensure that the technical work and the findings of the Rural Lands Study strategy documents are robust and a sound platform for land use planning controls for the rural lands of the shire
- ensure that the draft local environmental plan and development control plan reflect the recommendations of the Rural Lands Study and meet the relevant statutory requirements
- revisit certain aspects of the Rural Lands Study and the subdivision potential of particular rural areas

The scope of the review is to undertake an assessment and provide recommendations on:

- adequacy of the technical work undertaken for the strategy documents
- degree to which the draft local environmental plan and development control plan reflects the outcomes and recommendations of the strategy documents
- compliance of the draft local environmental plan with statutory requirements under the EPA Act
- degree to which the draft local environmental plan and development control plan addresses the section 54 and section 62 consultation undertaken
- degree to which the draft local environmental plan and draft development control plan address the issues raised within the submissions and representations made on the Rural Lands Study
- content of the draft local environmental plan and development control plan in light of additional stakeholder consultation undertaken with government agencies and the Community Liaison Group

A specific focus of the review is to revisit the constraints to further subdivision of the rural lands documented within the Rural Lands Study and to examine whether there are alternative planning responses to these constraints. In particular the review is intended to provide advice on these specific issues:

- potential for subdivision of lots over 5 hectares
- potential for further subdivision around rural villages
- potential for subdivision where there is access to reticulated water
- potential for subdivision in the Maraylya, Box Hill, Nelson and Kenthurst areas
- opportunity for rural enterprise zoning and tourism and agribusiness based activities
- potential for best practice solutions to create sustainable subdivisions with regard to infrastructure constraints

1.3 Review process

The review has been overseen and managed by a Rural Lands Study Working Group established by Baulkham Hills Shire Council and has involved the five-stage process set out below.

Stage 1 – Inception and familiarisation

This first stage included an inception meeting with the Working Group to confirm the parameters for the review and to hand over the relevant documentation for review. The stakeholders for selected consultation were also identified.
Stage 2 – Review of submissions and representations
This stage involved review of the submissions and representations received on the Rural Lands Study including public submissions and submissions from government agencies.

Stage 3 – Selected stakeholder consultation
Targeted consultation with selected stakeholders was undertaken to highlight and discuss issues related to the Rural Lands Study. This included separate meetings with key government agencies and a meeting with the Rural Lands Study Community Liaison Group. A public meeting was also held to seek further input to the review from the local community.

Stage 4 – Documentation review
This stage involved a detailed review of the Rural Lands Study documentation with a particular emphasis on the draft local environmental plan and draft development control plan.

Stage 5 – Review report preparation and presentation
This final stage involved the preparation of the review report to document the review process and outcomes and to present recommendations to the Working Group on the specific issues investigated.
2. Policy context

2.1 Overview

The review of planning policy for the rural lands of the shire takes place against the backdrop of state government policy for the metropolitan area as well as the legal requirements proscribed by the NSW EPA Act for the preparation of environmental planning instruments such as local environmental plans.

The Minister for Infrastructure, Planning and Natural Resources is the responsible person administering the EPA Act on behalf of the NSW Government and the minister is bound by the provisions of the EPA Act in approving new local environmental plans. Any draft local environmental plan that is submitted to the government for approval must be consistent with general and specific government policy or, where inconsistent, must be sufficiently justified through a local environmental study or through appropriate submissions.

The minister is not bound to accept or ratify a local environmental plan and will take advice through DIPNR on the consistency of the local environmental plan with state and regional planning policy. The minister may also take into account the advice of relevant government authorities, as well as submissions from councils and the community. The review of a Rural Lands Study and draft local environmental plan and development control plan must therefore consider the views of these organisations and groups in assessing the adequacy of the planning response.

This section provides a summary of the key policy considerations relevant to the review of the Rural Lands Study. An assessment of the consistency of the draft local environmental plan with these policies will form a critical part of the section 65 submission to DIPNR and therefore should be given due regard by council in the preparation and review of the draft local environmental plan.

2.2 Environmental Planning and Assessment Act 1979

The principal legislation that governs the NSW planning system is the EPA Act. The objects of the Act establish the overarching planning principles for the use and development of land within the state. The objects of the EPA Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment

(ii) the promotion and coordination of the orderly and economic use and development of land

(iii) the protection, provision and coordination of communication and utility services

(iv) the provision of land for public purposes

(v) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats

(vi) ecologically sustainable development

(vii) the provision and maintenance of affordable housing

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the state

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment

Any planning response by way of a draft local environmental plan must be considered against these objects and environmental planning instruments must be consistent with these objects before a plan is made. There are also a range of directions issued by the Minister for Infrastructure, Planning and Natural Resources (known as section 117 Directions) which outline certain matters that must be considered in the preparation of draft local environmental plans. If a draft local environmental plan is...
not consistent with these directions, and the inconsistency not sufficiently justified, the draft local environmental plan could be rejected.

2.3 Shaping our Cities

*Shaping our Cities* is the current planning strategy for the Greater Metropolitan Region of Sydney. Shaping our Cities is a broad planning document that provides guidelines for future development and growth in Sydney, Wollongong, the Central Coast and Newcastle. Area-specific documents have also been prepared for the planning of specific regions, including Shaping Western Sydney, Shaping the Central Coast and Shaping the Illawarra.

A key emphasis of the plan is the development of strategic mixed-use centres, comprising a mix of retail, commercial and residential land uses, supported by strong transport links. Maintaining the current level of growth at sustainable levels through policies aimed at managing car usage and providing greater accessibility to public transport services is a major element of Shaping Our Cities. Many of the principal planning strategies outlined in Shaping our Cities are also reflected more specifically in Action for Transport and Action for Air, especially with regard to improving public transport and providing better accessibility between centres.

2.4 Metropolitan Strategy

The Metropolitan Strategy is currently being developed by DIPNR. This is an initiative of the NSW Government to guide growth and change in the Greater Metropolitan Region of Sydney over the next 30 years. The Metropolitan Strategy will guide major decisions and plans by state and local government and inform private sector investment. The strategy will include a vision and directions and strategies on how growth and change will be managed.

There are nine directions established for the Metropolitan Strategy. These are:

- **Direction 1: Plan for balanced growth within natural resource constraints.** Growth will be managed in the GMR over the next 25 to 30 years within environmental and natural resource limits. In Sydney this will be achieved by balancing urban renewal in centres and corridors with the staged release of new greenfield sites.

- **Direction 2: Strengthen the regions.** Regional strategies for the Lower Hunter, Central Coast and Illawarra regions and the Sydney to Canberra corridor will be locally developed in 2004 and 2005. These will set directions for managing growth and change in the regions and will complement the directions for Sydney.

- **Direction 3: Manage growth and value non-urban land.** This means limiting urban sprawl. New greenfield development will be directed to specific growth centres. Rural and agricultural lands, parks, forests and conservation areas will be valued and recognised, so that the trade-offs are clear. Greater recognition will be given to non-urban land so that it is not treated as land in waiting for urban development.

- **Direction 4: Build liveable new communities.** New greenfield communities will be planned as new towns to have local jobs, access to safe and reliable public transport, local schools, shops and parks.

- **Direction 5: Renew existing areas.** Centres Policy is a cornerstone of the Metropolitan Strategy. The Strategy will focus on enhancing the quality of the city’s centres by getting the best mix of homes, jobs, services – such as retail, recreation and other activities.

- **Direction 6: Strengthen employment centres and precincts.** To support Sydney’s economy, jobs will be encouraged to locate in centres, handy to transport. This will provide good access to
jobs, make the best use of the transport system and make for more interesting and dynamic places. Other important locations for jobs and economic activities include the airport, ports and business precincts. Locating business and industry together stimulates economic activity and prosperity.

- **Direction 7: Connect centres with the transport network.** The government is building on the comprehensive transport network that connects centres where jobs, services and people are located. It is establishing strategic bus corridors and a six-year Rail Clearways program to increase the number of services and improve reliability.

- **Direction 8: Target infrastructure.** Encouraging growth to occur in areas where spare infrastructure capacity exists will make the most of the state’s assets. Clear direction on urban development priorities will guide new infrastructure investment decisions.

- **Direction 9: Use appropriate funding and governance arrangements.** New ways of funding infrastructure, such as developer levies in greenfield areas, will be investigated. Innovative financing methods, such as privately financed projects, will be considered where they offer better value for money than traditional approaches.

A draft local environmental plan should be consistent with these general strategies and directions. This has been reinforced by the comments from DIPNR.

### 2.5 Shaping Western Sydney

*Shaping Western Sydney* is the NSW Government’s planning strategy for western Sydney. It covers the key planning areas of work, environment, housing and access. It also identifies priority outcomes and presents the key policies and actions to achieve them. Its purpose is to create more jobs and economic growth and to provide a cleaner environment, better transport, safe neighbourhoods and affordable homes for residents. It also aims to reduce the growth of private car use and curb urban sprawl. The regional strategy bridges the gap between local area needs and opportunities and the broader goals of Shaping Our Cities. Shaping Western Sydney includes policies and actions for the rural fringe areas that are particularly relevant to the review of the RLS. These are summarised in Table 2.1 below.

<table>
<thead>
<tr>
<th>Policy</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain the rural edge of Sydney.</td>
<td>Focus any appropriate urban development in non-urban parts of the region on existing villages with the ability to provide reticulated sewerage and other services.</td>
</tr>
<tr>
<td></td>
<td>Encourage the development of planning controls that respect the integrity of villages of historic significance.</td>
</tr>
<tr>
<td></td>
<td>Do not allow urban development west of the Hawkesbury-Nepean River other than minor expansion of existing towns and villages.</td>
</tr>
<tr>
<td>Rural-residential areas should not reduce agricultural viability,</td>
<td>Encourage the preparation of rural lands studies to identify areas with potential for long-term agricultural and rural-residential development.</td>
</tr>
<tr>
<td>contribute to urban sprawl or have adverse environmental impacts.</td>
<td>Avoid the fragmentation of future urban land.</td>
</tr>
<tr>
<td></td>
<td>Only allow unsewered large-lot residential development where it can be demonstrated that it will not adversely affect water quality.</td>
</tr>
<tr>
<td>Manage the development of flood-prone areas to ensure that safe,</td>
<td>Support the implementation of the Hawkesbury-Nepean Flood Management Strategy.</td>
</tr>
<tr>
<td>flood-free access is available.</td>
<td>Investigate amendment of SREP 20 to include regional-based flooding issues.</td>
</tr>
<tr>
<td>Manage the development of fire-prone areas to minimise threats to</td>
<td>Development should not increase above existing levels in areas of high or extreme bushfire risk.</td>
</tr>
<tr>
<td>development.</td>
<td></td>
</tr>
</tbody>
</table>
The document also makes several key statements on rural residential development that need to be considered. These include:

- Future urban lands need to be safeguarded from fragmentation by low-density development which constrains long-term options.
- Agricultural land needs to be buffered from potential land use conflicts generated by rural-residential lifestyles and expectations of rural amenity.
- Rural-residential development providing large residential sites must be carefully planned and managed to minimise the cost of service provision and avoid cumulative impacts on water quality and agriculture. Such areas often have poor access to urban facilities such as water, sewerage, public transport, health, education and other community services.
- Any increase in population outside the urban footprint should focus on existing settlements, preventing further fragmentation of rural areas and supporting the provision of services.
- Development around existing villages should respect the integrity of these villages through planning controls that acknowledge village limits.

2.6 Sydney REP No 20—Hawkesbury-Nepean River

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP 20) applies to the Baulkham Hills area. The aim of the SREP is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Part 2 of the SREP sets out considerations, policies and strategies that must be taken into consideration for the preparation of an environmental planning instrument, development control plan or the assessment of an application for development. Part 3 of the SREP contains the development controls that are imposed by the plan and identifies types of development that are of particular concern due to their potential impacts.
3. **Consultation outcomes**

This section outlines the consultation undertaken for the Rural Lands Study and the additional stakeholder consultation undertaken for the review.

### 3.1 Public submissions on the Rural Lands Study components

#### The study process and submissions received

The Rural Lands Study was carried out in three stages with stakeholder and community consultation undertaken within each stage. The three stages and the consultation undertaken within each stage are outlined below:

**Stage 1 – Background research and strategy framework**

This stage included preparation of a Background and Issues Report and a Strategic Environmental Assessment and Strategy Framework Report. Formal and informal discussions were held with community and government agencies through the Community Liaison Group and Statutory Liaison Group established by council for the project. 39 written submissions were received during this stage of the process. These comprised 22 public submissions and 17 submissions from government agencies.

**Stage 2 – Strategy-making**

This stage culminated in the preparation of a Draft Rural Strategy. A comprehensive community consultation program was implemented including 20 locality-based community focus workshops and several other issue-specific workshops. 69 written submissions were received during this stage of the process. These comprised 64 public submissions including three petitions and five submissions from government agencies.

**Stage 3 – Plan-making**

This current stage involves the preparation of a draft local environmental plan and development control plan for the rural lands of the shire based on the strategies developed within the Draft Rural Strategy. To date council has undertaken the required statutory consultation with government agencies including the Department of Environment and Conservation (DEC) and DIPNR. No formal public exhibition of the draft local environmental plan and development control plan has been undertaken but council has made the draft plans available to the public through inclusion within the council business papers and written submissions on the draft plans have been made. 39 written submissions have been received on the draft plans. These comprise 29 public submissions and 10 submissions from government agencies.

#### Issues raised within public submissions

The pertinent issues raised within the submissions received on the Rural Lands Study and the draft local environmental plan and development control plan are summarised in Appendix A. These can be synthesised into three key issues that were most prevalent:

- the potential for further rural-residential subdivision
- environmental protection and the proposed Environmental Protection 7(b) (Bushland) Zone
- the potential for rural village expansion

These issues are discussed later in section 4.2.

### 3.2 Statutory consultation

#### Section 54 consultation with DIPNR

Section 54 of the EPA Act requires councils to advise DIPNR of a decision to prepare a draft local environmental plan and the land to which the plan is intended to apply. Baulkham Hills Shire Council
advised DIPNR on 27 August 2003 of its decision to proceed with the preparation of a draft local environmental plan for the rural lands of the shire. The comments made within the response received from DIPNR are summarised in Appendix B together with an assessment of the draft local environmental plan and development control plan against these comments.

The draft plans are considered to be largely consistent with the comments from DIPNR. There are two aspects of the draft local environmental plan that may be of some concern to DIPNR and that council may therefore want to reconsider. These are:

- The rural cluster development concept. This concept would enable further rural-residential development within the rural areas and could therefore be considered to be inconsistent with the advice from state government agencies.

- The appropriate controls over the former Maroota State Forest lands. The former Maroota State Forest lands are now freehold lands privately owned by the Deerubbin LALC. This entire area is proposed to be zoned Environmental Protection 7(b) (Bushland) based on the Natural Assets Mapping Report and the land use designations formulated within the Draft Rural Strategy. The proposed zoning may be appropriate but perhaps does not recognise that there are degraded areas that may provide some development potential. The area warrants further investigation and consultation with the LALC. An approach that council could consider is to defer this area from the draft local environmental plan pending further investigations.

Section 62 consultation with government agencies

Section 62 of the EPA Act requires councils to consult with public authorities and other organisations that will or may be affected by a draft local environmental plan. The organisations consulted on the preparation of the draft Rural Lands Local Environmental Plan and the issues raised within the responses received are summarised in Appendix C together with an assessment of the draft local environmental plan and development control plan against these comments.

The draft local environmental plan and development control plan largely addresses the issues and comments arising from the statutory consultation undertaken. There are three issues that could be given further consideration. These are:

- The rural cluster development concept. This concept would enable further rural-residential development within the rural areas and could therefore be considered to be inconsistent with the advice from state government agencies.

- The appropriate controls over the former Maroota State Forest lands. The former Maroota State Forest lands is now freehold land privately owned by the Deerubbin LALC. This entire area is proposed to be zoned Environmental Protection 7(b) (Bushland) based on the Natural Assets Mapping Report and the land use designations formulated within the Draft Rural Strategy. The proposed zoning may be appropriate but perhaps does not recognise that there are degraded areas that may provide some development potential. The area warrants further investigation and consultation with the LALC. An approach that council could consider is to defer this area from the draft local environmental plan pending further investigations.

- The possible inclusion of appropriate water quality provisions within the development control plan.

Section 34A consultation with DEC

Section 34A of the EPA Act requires councils to consult with the Director-General of National Parks and Wildlife before preparing a local environmental plan where critical habitat or threatened species or
ecological communities will or may be affected by the draft plan. The issues raised within the response received from the Department of Environment and Conservation are summarised in Appendix D together with an assessment of the draft local environmental plan and development control plan against these comments.

The draft plans are considered to be largely consistent with the comments from DIPNR. There are two aspects of the draft local environmental plan that may be of some concern to DIPNR and that council may therefore want to reconsider. These are:

- The rural cluster development concept. This concept would enable further rural-residential development within the rural areas and could therefore be considered to be inconsistent with the advice from state government agencies.

- Incentive schemes for properties that contain bushland within the proposed Environmental Protection 7(b) (Bushland) Zone. DEC has suggested that appropriate provisions could be considered within or separate to the local environmental plan similar to the Hornsby Rural Landowner Incentive Scheme. This could operate as a localised version of the NPWS conservation agreements used for areas of regional and state significance. The publication Biodiversity Planning Guide for NSW Local Government (NPWS 2001) contains a useful overview of incentive programs for biodiversity conservation and developing local environmental plan provisions. These incentives program options could be considered further for land impacted by the introduction of the Environmental Protection 7(b) (Bushland) zone. Rate rebates could be one approach for this situation where a rebate or reduced rates are provided to recognise the community benefit of private land management. This however would be outside of the local environmental plan process. Transferable or tradeable development rights may be less appropriate for this situation as this approach implies that there are established development rights to trade. This is questionable given that the rural areas have never been zoned to permit subdivision beyond current minimum lot sizes.

3.3 Additional stakeholder consultation outcomes

Additional targeted consultation with selected stakeholders was undertaken as part of the review process to highlight and discuss issues related to the Rural Lands Study. This included separate meetings with key government agencies and a meeting with the Rural Lands Study Community Liaison Group. A public meeting was also held to seek further input to the review from the local community. A summary and discussion of the outcomes of the additional consultation is presented below.

Rural Lands Study Community Liaison Group

A meeting with the Community Liaison Group established for the project was held on 1 February 2005 to provide an opportunity for the members to highlight and discuss issues related to the Rural Lands Study review. The issues raised and discussed during the meeting are summarised in Appendix E. The key issues raised were:

- RLS approach and outcomes. There was concern that the RLS was based on ideology and did not provide a sound technical base for the draft local environmental plan.
- Rural-residential subdivision. There is a strong desire for further rural-residential subdivision across the rural areas for various social and economic reasons. Government infrastructure provision was not seen as a constraint to development as lots can be self-sufficient with rainwater tanks and on-site sewerage systems.
- Environmental protection. There was concern about the proposed Environmental Protection 7(b) (Bushland) Zone. This concern related to the methodology used and the accuracy of the proposed zone boundaries and the economic effects on landowners.
• Rural cluster development. There was no support expressed for this concept.
• Village and commercial expansion. There were some who expressed the need for future village expansion and for commercial zoned land to be protected from other land uses.

Public meeting
A public meeting was held on 16 February 2005 to provide an opportunity for members of the local community to raise new issues or reiterate issues previously raised within submissions on the Rural Lands Study. The issues raised during the meeting are summarised in Appendix F. The key issues raised were:

• Rural-residential subdivision. There again was strong representation from the 5 Acres Now group on the desire for further rural-residential subdivision across the rural areas. There were others who had concerns about the potential impact of further subdivision on infrastructure and services.
• Environmental protection zone. There was concern about the proposed Environmental Protection 7(b) (Bushland) Zone. This concern related to the methodology used and the accuracy of the proposed zone boundaries and the economic effects on landowners. There were others who supported the proposed zone.
• Rural character and amenity. There was confusion about what these terms mean and how further subdivision will impact on rural character.
• Rural villages and commercial development. There were suggestions that the village areas need to be expanded and planned for future commercial growth.
• Agricultural development. A view was expressed that agriculture is no longer viable within the rural areas and that even urban agriculture uses such as agritourism are not viable.
• Heritage protection. A comment was made that more emphasis should be placed on Aboriginal heritage protection across the shire.

Department of Infrastructure Planning and Natural Resources
Discussions with DIPNR representatives confirmed that the previous written advice and comment provided to Baulkham Hills Shire Council on the Rural Lands Study and the draft local environmental plan is still relevant and reflects the current position of the department on the future development of rural lands within the shire.

Sydney Water
A meeting with Sydney Water representatives was held on 4 February 2005 to discuss specific issues related to the Rural Lands Study and the draft local environmental plan and development control plan. The key outcomes of the discussions are summarised below.

• Reiterate previous written advice to council. No change in position or circumstances.
• Existing water and sewerage supply system extensive within urban-zoned areas but not within rural areas. Not obliged to supply water to non-urban zoned areas.
• No planned extensions to infrastructure beyond Priority Sewerage Program areas. PSP designed to improve current situation to acceptable environmental standard and not provide for further subdivision.
• Subdivision potential where access to reticulated water eg next to urban zoned areas limited. Limited capacity means water pressure problems without amplification. Amplification would need to be privately funded. Require on-site sewerage treatment.
• Subdivision without reticulated water problematic. Rainwater tanks run out during extended dry periods. Water cartage tankers required to supply households. Tankers fill up at Sydney Water standpipes and undermine water supply system. Serious implications where large number of lots require water to be carted to them.
Rural village areas have limited potential for water and sewerage servicing. Amplification required and would need to be privately funded.

**Department of Primary Industries**
A meeting with DPI representatives was held on 2 February 2005 to discuss specific issues related to the Rural Lands Study and the draft local environmental plan and development control plan. The key outcomes of the discussions are summarised below.

- Baulkham Hills Shire remains an important agricultural area and has a significant future. Good agricultural land on ridges. Current uses include cut flowers / nurseries / some poultry / market gardens / stone fruit.
- **Urban agriculture** is the future for the rural fringe areas. Urban agriculture is different to traditional broadacre agriculture: boutique farming / agritourism. Need to be flexible and responsive to market changes. Department is working on defining what urban agriculture is.
- Need variety of lot sizes and flexibility for urban agriculture uses. Lot size required will depend on the production area required for the particular operation and other requirements such as buffer areas and water supply dams.
- Rural-residential development is urban sprawl. Should concentrate residential development where services are. There is a distinct difference between rural character and rural-residential character.
- Subdivision expectations – how do we address? Need to look at more innovative approaches. Transferable development rights – Hawkesbury City Council is investigating this. Incentives – rates rebates – cluster housing.
- Department concerned about urbanisation and loss of agricultural land close to market and where climatic conditions conducive to agriculture. Support consolidation of existing urban areas rather than opening new areas for urban sprawl. Need to value rural landscapes and not degrade by subdivision. Subdivision of rural areas leads to increased land use conflicts and pressure on established agricultural uses.
- Draft local environmental plan considered appropriate. Maintains status quo. Reasonable outcome. No further fragmentation rural zoned land.
- Department supports Rural Enterprise zone concept.

**Department of Environment and Conservation**
A meeting with DEC representatives was held on 10 February 2005 to discuss specific issues related to the Rural Lands Study and the draft local environmental plan and development control plan. The key outcomes of the discussions are summarised below.

- Reiterate support for environmental protection zones within DLEP.
- Consultants used for Natural Assets Mapping Project are well-known and industry leaders. Understand the methodology well.
- Environmental protection zone boundaries probably make allowance for buffers and ecological corridor widths which may explain why boundaries do not necessarily equate to vegetation line.
- Compensation to landowners is inappropriate. Zone does not sterilise the land from development entirely. Better to look at potential for incentive schemes.
- Reiterate position for no further subdivision of rural lands. The protection of biodiversity is made easier where there are large landholdings and development is less intense. Any expansion should be restricted to around established village areas subject to other constraints.
- The development potential of the old Maroota State Forest area needs to be further investigated in consultation with the Deerubbin LALC. Too early to suggest any change to zoning now. The area has high conservation values but there are probably some degraded areas that could be considered for development.
- Encourage consideration of incentive schemes within LEP or separate. Good example is Hornsby Rural Landowner Incentive Scheme for properties containing bushland. Payments are made to landowners under the scheme. Camden Council has a similar scheme. NPWS conservation agreements are cumbersome to negotiate and more suited to areas of regional and state significance.
4. Documentation assessment

4.1 Rural Lands Study

The RLS has been undertaken over a number of years and has involved many consultations and assessments. The RLS responded to the study brief through an assessment of relevant issues and preparation of these key components:

- A growth management strategy.
- Development directions and guidelines against which development can be measured.
- A vision and strategies for growth management, land use planning, quality of life, economic and employment opportunities, infrastructure, water catchments, ecological management, scenic landscapes, heritage and culture, and natural hazards.
- Sustainability indicators to test strategies against.

The preparation of a draft local environmental plan for such a large and complex area would normally require preparation of a local environmental study. However, DIPNR has indicated that a local environmental study is not required as the Rural Lands Study and Natural Assets Assessment Project are comprehensive in nature and adequately cover the issues that a formal local environmental study would be required to address. This indicates that the work undertaken is an adequate basis on which to formulate a draft local environmental plan for the rural lands within the shire.

Detailed consideration of the RLS has been undertaken against the key issues raised by the community as well as those raised by government authorities. The conclusions from our assessment are that:

- The RLS is comprehensive and addresses all of the key issues that will influence the study area over the next 10 to 20 years.
- The RLS does address issues raised in strategic planning policies (as detailed in section 2) although some of these could have been more explicit. Nevertheless, the RLS addresses the issues raised by government authorities in an appropriate fashion.
- The land use designations and strategies put forward in the RLS for the rural lands are soundly based in relation to NSW government planning policies and in response to the obvious and clear limitations to growth inherent in the rural lands.
- The overall strategies outlined in the RLS are an appropriate response to the planning and environmental limitations of the study area.

It is considered that the Rural Lands Study and the planning response as detailed in the draft local environmental plan and development control plan put forward are broadly consistent with relevant state and regional planning policies.

With specific reference to the further subdivision of rural lands below current and proposed minimum lot sizes, in our view the RLS comes to a logical and justifiable position that the further blanket subdivision of the rural lands is not tenable for a variety of reasons. The most compelling reason is that the area has effectively reached the limits of sustainability under present conditions.

If there is any criticism of the RLS Stage 2 it is that it did not outline in more detail the means by which the strategies and directions would be implemented by a future local environmental plan and development control plan. It is recognised that Stage 3 of the RLS process was the vehicle by which this was to be achieved, however, it would appear from the community consultation undertaken during this evaluation that the nexus between the RLS Stages 2 and 3 perhaps could have been linked more closely and better articulated.
4.2 Draft local environmental plan and development control plan

This section provides a review of the draft local environmental plan and development control plan. The review assesses the draft plans against the five agreed criteria which have been framed here in the following questions:

1. Do the draft plans reflect the outcomes and recommendations of the strategy documents?
2. Does the draft local environmental plan comply with statutory requirements under the EPA Act?
3. Do the draft plans address matters raised within statutory consultation undertaken pursuant to the EPA Act?
4. Do the draft plans consider and address the issues raised within public submissions and representations?
5. Do the draft plans address any new issues or new information obtained through additional stakeholder consultation undertaken as part of the review process?

The draft plans and statutory requirements

The EPA Act sets out the statutory requirements for the preparation of a local environmental plan within NSW. Three questions need to be considered to determine whether the draft local environmental plan complies with statutory requirements:

1. Has the draft local environmental plan been prepared in accordance with the statutory plan-making process under the EPA Act?
2. Is the draft local environmental plan consistent with relevant state environmental planning policies and regional environmental plans?
3. Does the draft local environmental plan comply with relevant section 117 Directions under the EPA Act?

The plan-making process

The draft local environmental plan has not progressed beyond the first few steps in the plan-making process. An assessment of compliance with the statutory plan-making process to date is set out in Table 4.1 below.

<table>
<thead>
<tr>
<th>Table 4.1: Compliance with the plan-making process</th>
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</thead>
<tbody>
<tr>
<td>Procedural steps</td>
</tr>
<tr>
<td>Council decides to prepare a local environmental plan.</td>
</tr>
<tr>
<td>Council gives notice to DIPNR within 14 days of decision to prepare a plan.</td>
</tr>
<tr>
<td>Council prepares a local environmental study.</td>
</tr>
<tr>
<td>Council consults with relevant public authorities and prepares draft local environmental plan.</td>
</tr>
<tr>
<td>Council requests a certificate from DIPNR.</td>
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</tbody>
</table>
State and regional environmental planning instruments

A council must ensure that a draft local environmental plan is not substantially inconsistent with any state environmental planning policy or regional environmental plan that applies to the land in question. An insubstantial inconsistency may be acceptable where it can be justified in the circumstances.

There are no relevant state environmental planning policies. The only relevant regional environmental plan is Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP 20). This applies to the entire rural area within the shire.

SREP 20 integrates planning with catchment management to protect the river system and controls development that has the potential to impact on the river environment. The plan requires certain planning considerations and specific planning policies and strategies to be taken into consideration in the preparation of a local environmental plan and development control plan that applies to land to which SREP 20 applies.

An assessment of the consistency of the draft local environmental plan with the pertinent planning policies and strategies is set out in Appendix G. In our opinion the draft local environmental plan is substantially consistent with SREP 20 and therefore with relevant state and regional environmental planning instruments. The one area of concern may be with the proposed rural cluster development concept. This has been highlighted on several occasions throughout the report as one aspect of the draft plans that council may need to reconsider.

Section 117 Directions

A council must ensure that a draft local environmental plan is not substantially inconsistent with any relevant direction under section 117 that applies to the land in question. An insubstantial inconsistency may be acceptable where it can be justified in the circumstances.

An assessment of the consistency of the draft plan with relevant section 117 Directions is set out in Appendix H. In our opinion the draft local environmental plan is substantially consistent with the relevant directions under section 117 of the EPA Act.

The draft plans and the outcomes and recommendations of the strategy documents

The RLS strategy documents – and notably the Draft Rural Strategy – provides the technical basis for the draft plans. There needs to be a clear nexus between the Draft Rural Strategy and the draft local environmental plan and development control plan to demonstrate that the planning response is appropriate.

An assessment of the degree to which the draft local environmental plan and development control plan address the outcomes and recommendations of the Draft Rural Strategy is presented in Appendix I. In our opinion the draft local environmental plan and development control plan are largely consistent with the outcomes and recommendations of the Draft Rural Strategy. There are several issues highlighted within our assessment that council could consider further – some of which are outside the scope of the draft local environmental plan and development control plan. These issues include:

- Glenorie, Annangrove and Maraylya are identified in the Draft Rural Strategy as village expansion areas. The expansion of these village areas is not reflected in the draft local environmental plan. The merits and need for long-term village expansion to be planned for are recognised but more detailed investigation into land and infrastructure requirements is required before appropriate zoning and development controls can be formulated within the local environmental plan.
• The development of a Rural Incentives Program to encourage rural activities could be considered. This is outside the scope of the draft local environmental plan but could be considered as part of a wider economic development strategy for the rural areas of the shire. This could be associated with the expansion of opportunities for urban agriculture uses.

• There are no specific cultural heritage protection provisions or guidelines within the draft development control plan. The inclusion of appropriate provisions could be considered to highlight the importance of the shire’s heritage values.

The draft plans and the statutory consultation outcomes

The statutory consultation undertaken by council pursuant to the provisions of the EPA Act was detailed earlier. This included a summary of written comments received from DIPNR and other state government agencies and an assessment of the draft local environmental plan and development control plan against these comments.

The assessment undertaken highlights that the draft plans largely address the issues and comments arising from the statutory consultation undertaken. There are a few issues that may need to be given further consideration as outlined earlier. These are:

• The rural cluster development concept. This concept would enable further rural-residential development within the rural areas and could therefore be considered to be inconsistent with the advice from state government agencies.

• The appropriate controls over the former Maroota State Forest lands. The former Maroota State Forest lands is now freehold land privately owned by the Deerubbin LALC. This entire area is proposed to be zoned Environmental Protection 7(b) (Bushland) based on the Natural Assets Mapping Report and the land use designations formulated within the Draft Rural Strategy. The proposed zoning may be appropriate but perhaps does not recognise that there are degraded areas that may provide some development potential. The area warrants further investigation and consultation with the LALC. An approach that council could consider is to defer this area from the draft local environmental plan pending further investigations.

• The possible inclusion of appropriate water quality provisions within the development control plan.

• Incentive schemes for properties that contain bushland within the proposed Environmental Protection 7(b) (Bushland) Zone. DEC has suggested that appropriate provisions could be considered within or separate to the local environmental plan similar to the Hornsby Rural Landowner Incentive Scheme. This could operate as a localised version of the NPWS conservation agreements used for areas of regional and state significance. The publication Biodiversity Planning Guide for NSW Local Government (NPWS 2001) contains a useful overview of incentive programs for biodiversity conservation and developing local environmental plan provisions. These incentives program options could be considered further for land impacted by the introduction of the Environmental Protection 7(b) (Bushland) zone. Rate rebates could be one approach for this situation where a rebate or reduced rates are provided to recognise the community benefit of private land management. This however would be outside of the local environmental plan process. Transferable or tradeable development rights may be less appropriate for this situation as this approach implies that there are established development rights to trade. This is questionable given that the rural areas have never been zoned to permit subdivision beyond current minimum lot sizes.
The draft plans and the public submissions and representations

There were three key issues repeatedly raised within public submissions and representations made on the RLS and the draft plans. These issues were again the most prominent issues raised in the additional Community Liaison Group and public meetings undertaken as part of the review process. These issues are discussed below.

Rural-residential subdivision

There is an obvious expectation for further rural-residential subdivision within some parts of the rural community. The strength of opinion on the issue led to the formation of the “Five Acres Now” action group although this view has been put forward many times over the past 20 years. There are various social and economic reasons put forward for further subdivision and these are well documented elsewhere.

There are some expectations that are genuinely held and it is not the intention to denigrate these views. However, the view that substantial two hectare subdivision is sustainable simply does not accord with the substantial work undertaken in the RLS. The RLS has investigated and documented the constraints and opportunities for further subdivision of the rural lands, and has sought the views of all relevant government authorities on the matter. For a wide range of reasons, the detail of which need not be repeated here, the RLS has in our view demonstrated that the further subdivision of the rural lands is not sustainable. The most compelling reason is that the area has effectively reached the limits of sustainability under present conditions.

The very clear advice received from key state government agencies is that there should be no change to the planning provisions relating to subdivision. Indeed to promote further subdivision of the rural areas would be contrary to advice from DIPNR and other state government agencies. The view most clearly put by DIPNR is that it would not accept a draft local environmental plan that proposed further extensive small-lot subdivision across the shire.

Some calculations of the potential yield from the areas proposed to be zoned 1(c) and 1(b) have been undertaken based on existing lot sizes. This suggests there would be potential for 2,200-2,500 additional lots if there was blanket two hectare minimum subdivision permitted. If the proposed 7(b) areas are included, this could rise to over 5,000 lots. This would effectively represent a major land release in the Sydney region and would be of the quantum that would normally be included in the Metropolitan Development Program. This is clearly one of the significant factors in the state government authorities not supporting further subdivision.

Environmental protection

There was significant of concern expressed by the local community by way of in written submissions and at the stakeholder meetings about the proposed Environmental Protection 7(b) (Bushland) Zone. The concern focussed on the methodology used to derive the zone boundaries and the impact on private landowners (partly an issue concerning subdivision but also partly concerning the ability to use the land in the future).

The proposed zone and its boundaries are derived from the Natural Assets Assessment Project. This involved an ecological assessment to document and map ecological values associated with mapped remnant vegetation across the shire. The mapping of remnant bushland was derived from satellite imagery and cross-checked with aerial photography and then further refined on the basis of additional aerial photo analysis and fieldwork. The mapped bushland was then assessed for ecological status and sensitivity. The methodology used is consistent with that used for similar assessments carried out by DIPNR and DEC and was developed in consultation with DEC. The proposed environmental protection zone incorporates bushland areas classified as very high ecological status.
Based on our discussions with DEC representatives and our knowledge of the processes involved, the methodology used and the robustness of the assessment undertaken would appear sound. This type of methodology has been used in other local government areas to determine conservation boundaries (eg Hornsby Shire Council has used similar methods to identify environmental protection boundaries) and is not uncommon. Nor is the use of conservation zones to protect natural areas from development uncommon.

The concerns of some sections of the community that the zone boundaries are inaccurate and encompass areas that do not contain significant remnant bushland is more to do with the fact that every property cannot be ground-truthed and there may (or may not) be inaccuracies in the zone line on a detailed assessment. However, the desire to protect bushland (as well as other values that would flow from this zone) that underlies the zone is soundly based. A key issue in the community is that management of their land may become more complicated as a result. There is also doubtless concern that it will restrict subdivision potential.

The use of this zone is supported although it is also noted that there are other options available to council to ensure the long-term protection of significant bushland areas that may also be more flexible and reduce community concerns. These options could be considered as part of the review process and include:

- The use of a special control area overlay to the underlying rural zoning. The special area would be shown as a hatched area on the zoning map and would be associated with specific development control provisions within the local environmental plan that would be invoked for development proposals within the special control area. This could also be accompanied by a separate development control plan or specific provisions within the rural lands development control plan.

- The preparation and adoption of a specific development control plan that sets out requirements for development within areas of remnant bushland identified as very high ecological status.

These alternative options could be considered as part of the review process and may prove more palatable for rural landowners.

**Rural village expansion**

A number of public submissions and representations raised the issue of rural village expansion and increased rural-residential densities around established village areas.

The present infrastructure constraints preclude expansion of the existing village areas and the advice from Sydney Water is that there are no plans to extend or upgrade water and sewer infrastructure to cater for village area expansion. The draft local environmental plan is therefore considered an appropriate planning response to this issue.

However there is an obvious and recognised need to protect opportunities for the future long-term expansion of the village areas. This requires the current zoning and development controls be maintained for land surrounding the villages. Any intensification of rural subdivision could not be serviced and would reduce opportunities for future village expansion. This would be contrary to orderly and economic development and would be extremely difficult to justify to DIPNR.

In our opinion the draft local environmental plan and development control plan adequately consider the key community issues and provide an appropriate and justifiable planning response based on the technical work undertaken for the Rural Lands Study and sound planning principles.
The draft plans and the additional stakeholder consultation outcomes

Additional stakeholder consultation was undertaken as part of the review process to identify any new issues and obtain any new information that may need to be considered within the draft plans. A discussion on the consultation outcomes and any implications for the draft plans is presented below.

Rural Lands Study Community Liaison Group

The issues raised at the Community Liaison Group meeting were the same issues raised within the written submissions made on the draft local environmental plan and development control plan. These issues are addressed above.

Public meeting

The issues raised at the public meeting were the same issues raised at the Community Liaison Group meeting and within the written submissions made on the draft local environmental plan and development control plan. These issues are addressed above.

DIPNR

No new issues were raised through our additional discussions with DIPNR representatives. However there have been some recent changes to the state government plans for land release within the north west sector that impact on the draft plans. The proposed North West Growth Centre was announced in December 2004 and established a definitive growth centre boundary. The North West Growth Centre excludes land within the Box Hill area bounded by Old Pitt Town Road, Boundary Road, Maguires Road and Janpieter Road. This area is proposed to be zoned Rural 1(a) under the draft local environmental plan. This may now be inappropriate and council may want to discuss this further with DIPNR and consider an amendment to the draft local environmental plan to zone this area Rural 1(b). There would be no potential for further subdivision within this area under a Rural 1(b) zone due to current lot sizes.

Sydney Water

The additional discussions with Sydney Water representatives reiterated previous advice and comment provided to Baulkham Hills Shire Council on the Rural Lands Study and the draft local environmental plan. No new issues were raised that need to be addressed.

DEC

The additional discussions with DEC reiterated the previous advice and comment provided to Baulkham Hills Shire Council. DEC supports the proposed environmental protection zones and the restrictions on further subdivision of rural lands for biodiversity protection. DEC indicated that the methodology behind the delineation of the environmental protection zone boundaries is well accepted and the consultants involved are considered industry leaders. The inaccuracies with the environmental protection zone boundaries suggested by some landowners may be explained by the need to incorporate buffers and viable ecological corridor widths beyond the actual vegetation line. This may mean that some unvegetated areas or sparsely vegetated areas are within environmental protection zones.

There are two additional and pertinent issues from the discussions with DEC. The first relates to the former Maroota State Forest lands which are now freehold land privately owned by the Deerubbin LALC. This area is proposed to be zoned Environmental Protection 7(b) (Bushland) based on the Natural Assets Mapping Report and the land use designations formulated within the Draft Rural Strategy. DEC recognises the area has high conservation values but that there are probably some degraded areas that could be considered for limited development. The proposed zoning may be appropriate but the future development potential of the area warrants further investigation and
consultation with the LALC. Another approach that council could consider is to defer this area from the draft local environmental plan pending further investigations.

The second issue relates to incentive schemes for properties that contain bushland within the proposed Environmental Protection 7(b) (Bushland) Zone. DEC has suggested that appropriate provisions could be considered within or separate to the local environmental plan similar to the Hornsby Rural Landowner Incentive Scheme. This could operate as a localised version of the NPWS conservation agreements used for areas of regional and state significance.

The publication *Biodiversity Planning Guide for NSW Local Government* (NPWS 2001) contains a useful overview of incentive programs for biodiversity conservation and developing local environmental plan provisions. This includes consideration of these mechanisms:

- financial incentives – measures that provide direct financial benefits to individual landowners through grants or rate incentives
- property right mechanisms – measures that impose land use restrictions linked to financial payments and management agreements or property purchase and resale
- revenue raising mechanisms – special rates or other measures to finance works programs or support other programs such as property acquisition or local incentives for landholders
- non-financial motivational incentives – measures that provide community recognition or support to facilitate desired biodiversity outcomes
- development incentives – measures that encourage developers to design or modify proposals to support conservation such as transferable or bonus development rights where development options are foregone or conditions imposed

These incentives program options could be considered further for land impacted by the introduction of the Environmental Protection 7(b) (Bushland) zone. Rate rebates could be one approach for this situation where a rebate or reduced rates are provided to recognise the community benefit of private land management. This however would be outside of the local environmental plan process. Transferable or tradeable development rights may be less appropriate for this situation as this approach implies that there are established development rights to trade. This is questionable given that the rural areas have never been zoned to permit subdivision beyond current minimum lot sizes.

**Department of Primary Industries**

The additional discussions with DPI representatives reinforced the position of the department that the Baulkham Hills Shire remains an important agricultural area and the department is concerned about the loss of agricultural land close to the Sydney market and where climatic conditions are conducive to agriculture. The department supports the proposals within the draft local environmental plan and particularly no further fragmentation of rural zoned land.

Urban agriculture and not traditional broadacre agriculture is seen as the future for the rural fringe areas. This encompasses boutique farming enterprises and agritourism uses. The department supports the promotion of these urban agriculture uses within the draft local environmental plan. The concept of a Rural Enterprise zone that provides for urban agriculture uses within the rural fringe areas has been mooted. Baulkham Hills Shire Council has initiated discussions with DIPNR and other fringe area councils on the concept. The initial discussions seem to indicate that a broader and more strategic economic development strategy for the rural areas is required. In the interim the draft local
environmental plan could provide for these uses within the rural zones. The draft local environmental plan introduces new provisions for farm gate sales to encourage the development of tourism enterprises that promote agriculture within the rural zones. This is in addition to existing provisions that permit uses such as restaurants and bed and breakfast establishments. The rural zone provisions could be reviewed to ensure that a wide range of urban agriculture uses is promoted and that these opportunities are available to landowners.

The department also recognised the need to deal with subdivision expectations and for compensatory measures such as rate rebates and transferable development rights. These mechanisms were discussed above.
5. Summary of review findings

5.1 Rural Lands Study

The stated aims of the RLS were to:

- Protect and enhance a sustainable future (sic) for the rural lands.
- Involve the community and other stakeholders in the study process, to ensure acceptance and ownership.
- Generate a sustainable land use strategy and environmental planning instruments for the study area.

The RLS has been undertaken over a number of years and has involved many consultations and assessments and provides:

- A growth management strategy.
- Development directions and guidelines against which development can be measured.
- A vision and strategies for growth management, land use planning, quality of life, economic and employment opportunities, infrastructure, water catchments, ecological management, scenic landscapes, heritage and culture, and natural hazards.
- Sustainability indicators against which strategies can be tested.

The preparation of a draft local environmental plan for such a large and complex area would normally require preparation of a local environmental study (LES) under the provisions of the EPA Act. However, DIPNR has indicated that a LES is not required as the Rural Lands Study and Natural Assets Assessment Project are comprehensive and adequately cover the issues that a LES would be required to address. This indicates that the work undertaken is an adequate basis on which to formulate a draft local environmental plan for the rural lands within the shire.

With specific reference to the further subdivision of rural lands, it is considered that the RLS does come to a logical and tenable position that the further wholesale subdivision of the rural lands is not justifiable for a variety of reasons. This is a position that would also have considerable support in the community.

The RLS also provides a sound basis to strategically manage the rural lands of the shire. There are very clear guidelines within the RLS that can be readily used as the basis for land use planning controls and to gauge the impact of development.

With regard to the proposed land use designations, the RLS adopted a relatively broad brush approach to the future management of the rural lands effectively segregating the entire rural area into three basic rural zones (Rural Landscape, Rural Living, Nature Conservation) and a village zone. This system is more easily administered, is more readily understood by the public and effectively duplicates the present land use zoning approach. The clear advantage is that there is relatively little change from the current system.

However, while the strategies put forward in the RLS largely meet current NSW government planning policies, the nexus between the very broad strategies proposed in the RLS, and the manner in which these would ultimately be implemented in a draft local environmental plan, could have been more clearly articulated. This seems to be the clear message from the consultations undertaken as part of this review.

For example, the basis of the Mixed Use Rural Living and Rural Landscapes land use designation boundaries is not made particularly explicit apart from the land uses they currently support and the desire to maintain land uses and lot sizes. A large tract of the Nature Conservation zone is based...
around the former Maroota State Forest lands and the transfer in ownership could lead to extensive change with the proposed 40 hectare zoning controls which is not recognised in the RLS as this occurred after the investigations were complete. In addition, while the RLS discussed a "Biodiversity Protection (Overlay)", it was not made explicit that this would translate into a conservation zone.

It was also a shortcoming that the RLS did not explicitly identify village expansion zones in finer detail, and evaluate lower densities around the villages as a transition to less dense rural areas as well as offering opportunities for provision of services and facilities.

It is likely that the long term strategic management of these rural lands requires a greater degree of differentiation than that proposed in the RLS. This is discussed further below.

5.2 The planning response to the RLS

An assessment of the draft local environmental plan and development control plan prepared under Stage 3 of the RLS has been undertaken against the following agreed criteria:

- Do the draft plans reflect the outcomes and recommendations of the RLS strategy documents?
- Does the draft local environmental plan comply with statutory requirements under the Environmental Planning and Assessment Act 1979?
- Do the draft plans address matters raised within statutory consultation undertaken pursuant to the EPA Act?
- Do the draft plans consider and address the issues raised within public submissions and representations?
- Do the draft plans address any new issues or new information obtained through additional stakeholder consultation undertaken as part of the review process?

The planning response to the RLS as detailed in the draft local environmental plan and development control plan put forward are broadly consistent with relevant state and regional planning policies, address issues raised by public authorities and would comply with the EPA Act. There are a number of areas where clarification or further assessment may be required and the work outlined in the RLS (such as controls for villages and determination of expansion areas) should be advanced.

However, as noted above, further refinement of the proposed zones could address a range of issues raised by the community and may provide a more substantial argument for changes to the existing and proposed zoning.

Whilst we do not wish to suggest that council should simply take up another council’s planning instruments, it is nevertheless instructive to review the zoning controls of the Hornsby Shire to the east which has similar land and land uses, and has a long common boundary with Baulkham Hills.

Hornsby Shire has five rural zonings and five environmental conservation zones, the subdivision minima of which are:

Rural AA (large holdings – agricultural landscapes) 10 hectares
Rural AE (large holdings – extraction) 10 hectares
Rural AR (large holdings – rural landscapes) 10 hectares
Rural BA (large holdings – agricultural landscapes) 2 hectares
Rural BR (large holdings – rural landscapes) 2 hectares
Environmental Protection A (wetlands) 40 hectares
Environmental Protection B (river catchment) 40 hectares
Environmental Protection C (tourist) 1000 m²
Environmental Protection D (recreation) 5 hectares
Environmental Protection E (river settlements) 40 hectares

Each zone has its own objectives and requirements reflecting differences in land capability and/or use. While some of this zoning is historical, the impact of this type of land use density does not appear to having deleterious effects. There are areas that have a BA and BR zoning (two hectare minima) that have much in common with the Rural Landscape zone proposed in the RLS which have a 10 hectare subdivision minima.

The key point here is that the Hornsby LEP in their rural areas is supported by a range of environmental protection zones which act as a counterpoint to the lower subdivision minima. This zoning and development control approach represents a more differentiated land use planning practice.

While the proposed 7(b) zone has created some community reaction, this may be more a factor of the detail not being explained more fully in the RLS. However, it is unlikely that DIPNR would accept a draft local environmental plan without such zoning or similar.

The concept of rural cluster development advanced in the RLS is not consistent with the views put forward by DIPNR. In addition, rural cluster subdivision is another method of subdivision, albeit a somewhat less dense form in the format proposed and involvement of multiple parties can be problematic. Given the RLS indicated that this form of subdivision would be appropriate in the Box Hill, Nelson and Maraylya areas, there would not appear to be a compelling reason against traditional subdivision. This issue is considered further below.

Ultimately, the Minister and DIPNR will have the decision on whether a draft local environmental plan and development control plan are acceptable. The council must take into account community views, however, it is stressed that any draft local environmental plan that is not consistent with state government policy and seeks to vary accepted planning principles is only likely to be assented to by the Minister if it is based on sustainable development principles. A zoning system that allows additional rural living opportunities without significant environmental protection measures (eg specific zones or similar) is not likely to succeed.

5.3 Advice on specific issues

In additional to the review of the RLS we were asked to provide advice on several specific issues. These issues are dealt with below.

1. The potential for subdivision of lots over five hectares

The very clear advice in the RLS, from key state government agencies and from many members of the community is that wholesale two hectare (five acre) subdivision across the shire is not supported. The adverse social, economic and environmental implications of substantial small lot rural-residential development spread across the shire are clear. The view most clearly put by DIPNR is that it would not accept a draft local environmental plan that proposed further extensive small lot subdivision across the shire.

That being said, the discussion above on further zoning differentiation has not been tested in the community or with DIPNR. If opportunities for additional rural living are to be realised, a differentiated and targeted approach is needed to ensure that the scale and location of any rural-residential subdivision is consistent with the objectives espoused in the RLS and with broader metropolitan policy objectives.
There are some well-accepted planning principles for the establishment of new rural-residential areas that are outlined in the RLS or are encapsulated in metropolitan policy:

- Rural residential subdivision should not be promoted on productive agricultural land or where there is existing or future potential for economic agricultural uses.
- Rural residential subdivision should only be promoted where there is appropriate infrastructure. This usually means areas adjacent to established towns or rural centres where there is adequate potable water supply and basic urban services.
- Rural residential subdivision should only be promoted where land capability is suitable. Rural residential development requires flat to gently sloping land and soils that are free from waterlogging for the use of on-site sewerage treatment systems.
- Rural residential subdivision should only be promoted where it will not adversely impact on public health and amenity and the environment.
- Rural residential land allocation should respond to genuine demand and should avoid allocating large areas of land as this can fuel land speculation and create pressures for the provision of services and facilities which are difficult to provide economically. The preferred approach is to prepare a rural residential land release strategy that gives preference to the most suitable locations with a staged land release in response to market demand.

These issues are considered in more detail in the following sections.

2. The potential for further subdivision around the rural village areas

The above discussion on subdivision potential highlights that rural land surrounding the existing rural villages is one location that should be investigated for some limited small lot rural residential subdivision. There are arguments that increased density around rural residential villages could be achieved without compromising their rural setting and character, and which could provide additional impetus for upgrading of infrastructure.

However, there is an immediate need for longer-term planning for the villages themselves. Any intensification of rural subdivision that would reduce or preclude opportunities for future village expansion should be opposed.

Glenorie is the only village that has short term potential for expansion (subject to servicing) which is identified to the south. There may be opportunity for higher densities (eg less than two hectares) around this village if connected to a reticulated water and sewerage system subject to further land capability assessments. However, until there are firm plans for water and sewer, and subject to land capability investigations, it would be unwise to allow further subdivision.

Although the RLS indicates that the villages of Wisemans Ferry, Kenthurst and Round Corner have significant limitations, there is no analysis of the long term requirements of these villages in the overall hierarchy of villages and whether there should be provision for any expansion. Nor is there any analysis of the potential for increased densities to support these villages. Finally, the RLS indicates that the rural centres of Annangrove and Maraylya may have potential as locations for villages yet no investigations have been undertaken.

Within the scope of this review it is not possible to complete the analysis to support substantial changes to village zoning nor to support any changes in densities to the villages. However, it would appear that village development and the development of their immediate surrounding rural areas offers potential for further rural living opportunities.
3. The potential for subdivision where there is access to reticulated water
Sydney Water supply mains extend to Cattai Ridge Road in Glenorie and service the suburbs of Annangrove, Kenthurst, Middle Dural and Glenorie. This coverage is similar in area to the current Rural 1(c) zone which already has a two hectare minimum lot size. The reticulated water system does not extend north of Maguires Road in Maraylya. The suburbs of Cattai, Maroota, South Maroota, Sackville North, Leetsvale, Lower Portland and Wisemans Ferry are not serviced by a reticulated water supply.

Sydney Water has reiterated previous advice that the current system has limited capacity and there are no plans for the extension or amplification of existing services to the rural areas. The existing water supply infrastructure cannot cater for further subdivision of rural land without major amplification of the system to maintain acceptable water pressure. Any amplification would need to be privately funded.

The potential for further subdivision where there is access to reticulated water is therefore considered to be limited based on water supply problems alone. Any further subdivision within these areas would therefore need to utilise rainwater tanks for domestic water supply and would be subject to the same sewerage disposal and land capability issues as other parts of the shire. It is noted that the rural areas that have access to reticulated water are already zoned to permit subdivision with a two hectare minimum lot size. On-site sewerage systems are not generally suitable for lots smaller than two hectares and this restricts the potential for further subdivision in these areas.

4. The potential for subdivision in the Maraylya, Box Hill, Nelson and Kenthurst areas
A brief discussion of each of these four specific areas is provided below. It is noted that the RLS indicated that cluster subdivision would be most appropriate in these areas given the current preponderance of larger lots.

**Box Hill**
The proposed North West Growth Centre was announced in December 2004 and established a definitive growth centre boundary which excludes the northern part of the Box Hill area between Old Pitt Town Road and Maguires Road. It is understood that the problems with draining this land back into the urban release areas was the main reason it was excluded. In the event that this area is not proposed to be held for future urban development in the immediate term, investigations should be undertaken into the longer term inclusion into the Metropolitan Development Program before any rural residential subdivision is permitted.

The southern part of the Box Hill area to Old Pitt Town Road forms part of the Rouse Hill Development Area under SREP 19 and is appropriately zoned Rural 1(a) to ensure that the future urban development of the area is not hindered.

**Maraylya**
The Maraylya area is currently zoned Rural 1(b) with a 10 hectare minimum lot size. Most of the area comprises lots between eight and 18 hectares and therefore there is limited potential for further subdivision under the current and proposed zoning.

The south-western portion of the area appears to have suitable physical conditions for smaller lot subdivision and this could support a village if this is eventually established (as was discussed in the RLS). However, more detailed land capability assessments are required including assessments of the availability of water and sewerage services that could be supplied from the new urban release areas and whether this land is required for urban release purposes in the longer term.
Nelson

The Nelson area is currently zoned Rural 1(b) with a 10 hectare minimum lot size. The area adjoins the Rouse Hill Development Area and from an orderly and economic planning perspective there may be an argument to retain this area for future urban development. If not required for urban land release, there may be potential for some further limited subdivision within the southern part of the area close to Old Pitt Town Road as a transitional area between urban and rural areas. This would be subject to detailed land capability assessment.

However the lot size data presented in the RLS indicates that most of the southern portion of the area is already subdivided into lots under three hectares. There may be some potential for some further subdivision along the southern section of Janpieter Road and Nelson Road where there are larger landholdings, subject to detailed land capability assessment.

Kenthurst

Most of the Kenthurst area is currently zoned Rural 1(c) with a two hectare minimum lot size. Most of the area is already subdivided into lots less than three hectares. The area is not sewered and the capacity of the reticulated water supply is limited.

The north-western part of Kenthurst is currently zoned Rural 1(b) with a 10 hectare minimum lot size. The data presented in the RLS indicates that rural lot sizes in this area are generally between eight and 38 hectares. The area is heavily constrained by topography, native vegetation and bushfire risk that would limit the potential for small lot subdivision other than perhaps along the ridgelines along Cattai Ridge Road and Pitt Town Road. More detailed land capability assessment would be required to be able to delineate areas that may be suitable for subdivision below the current 10 hectare minimum lot size restriction.

5. The opportunities for rural enterprise zoning and tourism and agribusiness activities

The Metropolitan Strategy Discussion Paper Planning for a Better Future acknowledges that growth management and greater recognition of the value of rural and agricultural lands are key planning issues facing Sydney. This raises some fundamental questions:

- What is the value of rural lands?
- How can these values be protected?
- What are the best planning mechanisms for the long-term protection of rural lands on the metropolitan fringe?

The rural lands on the fringe of Sydney are important and valued for many reasons. They define the edge of the metropolitan area. They accommodate a range of agricultural uses that contribute to the regional and state economy and provide essential food products to the metropolitan area. They provide for the protection of biodiversity, natural and cultural heritage, scenic landscapes and metropolitan water catchments.

The rural lands and the values associated with them must be recognised and protected. There must be greater recognition that non-urban land is not land banked for future urban development. It must be identified as a valued resource and protected from inappropriate use or development.

The non-viability of traditional agricultural uses and the scope for alternative economic uses of this land is a planning concern that needs to be addressed otherwise these areas will become vacant and sterile. A related concern is the long-term viability of small commercial village centres that serve these rural areas.
There are many potential uses for rural lands where traditional agricultural production is marginal or no longer viable that do not require further subdivision. These include boutique farming operations and agritourism such as farmstay and bed and breakfast accommodation, cafes and restaurants, and farm gate sales. These forms of development have been highly successful in the Hunter Valley and in other parts of Australia such as the Swan Valley in Western Australia.

The Department of Primary Industry considers there to be significant potential within Baulkham Hills Shire and surrounding fringe rural areas for what the department terms *urban agriculture* – a term that encompasses the boutique farming enterprises and agribusiness/agritourism uses discussed above. This form of agriculture is seen as the future for the rural fringe areas and opportunities for such uses should be provided through suitable land use planning controls and economic and promotional strategies. The department supports the notion of a rural enterprise zone or similar.

The draft local environmental plan introduces new provisions for farm gate sales to encourage the development of tourism enterprises that promote agriculture in the rural zones. This is in addition to existing provisions that permit uses such as restaurants and bed and breakfast establishments. As an immediate short-term measure, the rural zone provisions could be reviewed to ensure that a wide range of urban agriculture uses is promoted and that these opportunities are available to landowners.

However, there is a recognised need at both state and local government levels for a more strategic and coordinated regional approach to managing rural change and the planning response implemented through local planning instruments as part of a broader regional economic development strategy for the rural fringe areas. The concept of a rural enterprise zone or similar has been mooted as one planning mechanism to provide for and encourage agribusiness and agritourism uses on rural lands. The concept needs to be further investigated and developed on a technical level and embraced on a political level. There could be a suite of other mechanisms both within and outside the planning system that are required to encourage and facilitate these alternative land uses.

In response, Baulkham Hills Shire Council has recently initiated a separate and broader study into the regional rural economy and strategic options for the rural fringe areas in association with other metropolitan fringe councils and DIPNR. This includes consideration of the potential for a rural enterprise zone and model local environmental plan provisions to provide for and encourage agribusiness and agritourism uses on rural lands on the metropolitan fringe. The decision to adopt a regional approach reflects the fact that the rural development issues facing Baulkham Hills are not unique and is an approach that DIPNR has encouraged.

6. The potential for best practice solutions to create sustainable subdivision outcomes having regard to infrastructure constraints

The absence of suitable reticulated water and sewerage systems across the rural parts of the shire is one of the major constraints to further rural residential subdivision. The potential for alternative water supply and sewerage systems is discussed below to help inform the debate. It is noted that best practice is to have a reticulated water supply at least for two hectare subdivision and reticulated sewerage for smaller rural residential lots (ie below two hectares).

**Land capability**

Land capability is a significant consideration in allowing further rural living opportunities. Land capability includes consideration of slope, soils, remnant vegetation, bushfire (and other) hazard and scenic value. There are parts of the shire that are simply unsuitable for further rural residential subdivision due to physical constraints of slope or soil conditions or due to the presence of significant remnant vegetation and fauna habitat.
However, land capability also relates to the manner in which land can be developed and includes considerations of social and economic development. Development around villages is one example where such considerations should be taken into account (subject of course to the above capability limitations).

Water
Sydney Water advice is that the public reticulated water supply system will not be extended or augmented to service non-urban zoned land within the shire unless privately funded.

This is potentially a viable option if land around villages is developed at higher densities (ie smaller lots) and for areas that are adjacent to existing mains. However, the costs of installation of such systems may be prohibitive and the scope of this review does not extend to assessing the cost/benefits of this type of expenditure.

The use of rainwater tanks of a size sufficient to supply potable water for domestic household use and for fire fighting and land management purposes may be an option. A typical household uses between 1,000 and 1,500 litres per day for domestic use and, to accommodate a reasonable period for dry weather (say three months use), a tank of 100,000 litres would be required. Efficiencies could be built into the system (eg grey water reuse) to conserve supply, however, there is the risk that supplies would run out. There may be areas where groundwater supplies are available to supplement supply, however, these are likely to be limited and would commence a system of groundwater harvesting that could be unacceptable to the state government. Harvesting from creek systems is very unlikely given the need for environmental flows and the possibility of changed rainfall patterns as a result of climate change.

Consequently, there could be situations where households may frequently require water cartage tankers to supplement supply. The widespread reliance on rainwater as the sole source of potable water for households is therefore likely to be an impediment to higher densities.

Sewerage
Sydney Water advises that the public sewerage system will not be extended or augmented to service non-urban zoned land within the shire unless privately funded. There are no planned extensions to sewerage infrastructure beyond the Priority Sewerage Program (PSP) areas and the PSP is not designed to provide for further subdivision. As for water supply, the scope of this review does not extend to assessing the cost/benefits of this type of expenditure.

The alternative is on-site treatment and disposal. On-site sewerage systems are not generally suitable for lots smaller than two hectares because of the need for a large disposal area that will be sustainable.

There are two options available for on-site treatment: individual package systems that provide secondary treatment or a reticulation network of low pressure or vacuum sewerage that feeds a small package plant. The use of basic septic systems would not be acceptable.

Individual proprietary systems (eg Envirocycle) basically involve primary treatment (settlement and anaerobic treatment) and secondary treatment (aerobic treatment and disinfection with chlorine). The long-term sustainability of such systems rests with frequent maintenance otherwise they quickly can degrade into a simple septic system (indeed, they can be less effective). The other constraint is that the effluent must be irrigated underground and the effective maintenance of this system is imperative to ensure the sub-surface irrigations is safe and effective. Lastly, this type of system does not remove nutrients (eg nitrogen, phosphorous) which can promote the invasion of weeds if allowed into watercourses.
Small package plant systems involve a point pollution source which requires a license. These treatment plants involve significant cost and are generally only suitable for small discrete subdivision.

The use of these alternative sewerage systems may be possible for some parts of the shire and for a limited number of additional lots but are not considered suitable for extensive areas of small lot subdivision across the rural areas.

5.4 Conclusions and recommended actions

It is considered that the RLS is a useful basis upon which a draft local environmental plan and development control plan can be prepared. It is clear, however, that proposals for wholesale two hectare subdivision have little chance of success.

The approach of the RLS in formulating land use designations has merit, however, they are very broad and further work is required. Notwithstanding there is a need for additional work, there would appear latitude for some relatively immediate additional rural living opportunities both around villages and as additions to existing two hectare areas.

In making this point, there is an urgent need to investigate all potential village expansions as these are critical to the long term development of the rural areas. Rezoning around these villages should not occur until this work is complete.

Further refinement of the zoning proposals that are contained in the draft local environmental plan could provide the basis for further subdivision in targeted locations. However, it must be stressed that such refinements should include provision for environmental protection zones or similar otherwise any plan submitted to DIPNR is likely to be rejected. There is clearly a need to educate the community that a future local environmental plan must make such provision. Arguments that land is already protected by other legislation are unlikely to be accepted.

The former Maroota State Forest is an extremely large landholding now in private hands. While there is doubtless significant environmental values in the area, there are also areas that may offer limited potential for rural living opportunities. However, until a clearer understanding of the values and opportunities of this area is at hand, the area should not be rezoned and dwelling entitlements should not be permitted. Given the vast, varied and significant area that this holding represents, it is suggested that an area specific local environmental plan be produced.

The following actions arising from this review are recommended:

1. Immediately investigate all potential village expansions and hold any rezoning around these villages until this work is complete.
2. Investigate potential for smaller transitional lots (ie less than two hectares) around villages to support villages, subject to being supplied with water and sewerage services.
3. Assess willingness of landholders to forward fund the provision of infrastructure especially water and sewerage services.
4. Consider rezoning of lands at Maraylya, Nelson and Kenthurst for two hectare subdivision subject to further land capability assessments.
5. Develop staging plan for any future land releases if further rezonings are proposed.
6. Investigate further differentiation of land use designations into small and large holding areas (agricultural and rural living) zones, and environmental protection zones, to support any rezoning proposals.
7. Investigate the future long term development of the former Maroota State Forest and consider area-specific local environmental plan for the area. In the meantime, defer the area from any
future local environmental plan until a clearer understanding of the constraints and opportunities are understood.

8. Review the boundaries of the 7(a) environmental protection zone and consider refinements where necessary. If necessary, adopt additional environmental protection zones or overlay zones to reflect varying environmental constraints.
Appendix A

Issues raised in public submissions
Issues raised within Stage 1 submissions

The pertinent issues raised within the submissions received on the background research and issues documents are summarised below.

Environment

- Desire to enhance environmental quality of the rural areas within the shire.
- Issues of stormwater management and air quality not sufficiently addressed within the background research and issues documents.
- The sustainable use and disposal of biosolids should be considered.
- Maroota Forest deserves formal recognition under an environmental protection zone.
- The information on certain environmental constraints is not sufficient to be used to determine new zone boundaries.

Agricultural development

- Agricultural land capability should be mapped.
- Desire to conserve agricultural land and maintain agricultural uses.
- Desire to limit agricultural uses due to non-viability. Agricultural use of rural land is declining and being replaced with rural-residential living.
- Organic and bio-organic agricultural practices should be supported.
- Displaced agricultural uses as a result of land release need to be given consideration.

Rural character

- Desire to retain rural character of the shire.

Subdivision and development

- Potential for further subdivision of rural lands into smaller rural and rural-residential lot sizes.
- Rezoning rural land for urban purposes.
- Density in rural-residential areas should be increased.
- Smaller lot subdivision is not appropriate away from existing urban development and where new services are required or where subdivision generates land use conflicts with agricultural uses.
- Too many SEPP No 5 developments within the Dural area.
- North Kellyville Precinct should be excluded from the Rural Lands Study as designated for future urban development. This area is suitable for residential subdivision as it has ready access to sewerage and water.
- Some support for further subdivision of existing 2 hectare lots within the Glenhaven area to 2500-4000 square metre lots.
- The only sustainable future for rural lands within the Rouse Hill Development Area is as residential lands.
- Subdivision within the Nelson/Box Hill/Maraylya area down to 2 hectare lots would not hinder the potential for future urban development.
- There should be no intensification of rural-residential development or small lot rural subdivision in areas identified for future urban development.
- Residential demand in rural areas should be accommodated in existing rural villages.
- Urban services should not be diverted from urban areas to rural areas.
- Smaller lots around the Round Corner village area should be considered to accommodate demand for residential development.

Commercial development

- Glenorie/Hillside area requires more local shops and a service station.
- Further commercial and community facilities should be considered particularly within the northern areas such as South Maroota.
- The establishment of a small village at Annangrove associated with the existing recreation, shopping and school facilities be considered.

These issues were considered in the preparation of the Strategic Environmental Assessment and Strategy Framework Report.
Issues raised within Stage 2 submissions

The pertinent issues raised within the submissions received on the strategy-making documents are summarised below.

Subdivision

- The majority of workshop participants identified subdivision as the issue of highest priority while the Draft Rural Strategy does not support further subdivision other than cluster subdivision within the Rural Landscape designation.
- Further subdivision should be allowed in areas where there are currently no restrictions on the minimum lot size. This would mean:
  - 4000 square metre lots in Glenhaven-Dural-North Kellyville areas
  - 1 hectare lots in the Rural 1(c) zone
  - 2 hectare lots in the Rural 1(b) zone
- The reasons put forward to support further subdivision included:
  - There are no continuing agricultural or farming uses in the area and therefore there will be no potential conflict between rural residential and agricultural land uses.
  - There is no need for rural residential lots to be connected to reticulated water or sewerage as water tanks can provide adequate potable water supply and modern effluent disposal technology can adequately dispose of effluent on small lots.
  - The increase in population would benefit the community by increasing support for local shops and schools and would ensure the provision of required services and infrastructure funded by developer contributions.
  - Bushfire risk should not be considered a constraint to further subdivision as smaller lots are easier to maintain.
  - Subdivision would make rural housing / land more affordable and allow family members to live near each other.
  - There is a high real estate demand for two-hectare rural-residential lots.

Cluster density subdivision

- A number of submissions objected to the provision for cluster subdivision in the Rural Landscape designation including the proposed density of 1 dwelling per 4 hectares.
- The use of community title was generally not favoured and the minimum lot size was requested be reduced to 10 hectares due to the difficulty in consolidating lots to the minimum 20 hectares.
- There was also some suggestion that the density should be reduced to 1 dwelling per 3.3 hectares.

Dual occupancy

- The location of the second dwelling for dual occupancy development should not be restricted to behind the primary dwelling and the size of the second dwelling should not be limited to 50 percent of the primary dwelling.
- There should be less stringent rules about the requirements for a common driveway and combined electricity meter.
- Subdivision of dual occupancy development should be permitted.

Expansion of rural villages

- The proposal to investigate the future expansion of rural villages was supported by some but opposed by others within the submissions received.

Environment and conservation

- General support for the conservation and biodiversity initiatives within the Draft Rural Strategy and suggestions that the initiatives should be extended to be more stringent and comprehensive.
- Concern that the emphasis on conservation and biodiversity initiatives would conflict with the promotion of agriculture or would be an impediment to the future development of rural land.

Heritage and cultural values

- General support for the heritage and cultural initiatives within the Draft Rural Strategy and requests for further work in this area.
Some concern that the Draft Rural Strategy does not adequately define cultural / heritage values or provide adequate details or strategies to manage these values.

Issues raised within Stage 3 submissions
The pertinent issues raised within the submissions received on the draft local environmental plan and development control plan are summarised below.

Environmental protection

- A number of submissions raised concerns about the Environmental Protection zone and the implications for land values and restrictions on future development and subdivision and the need for landowners to be compensated.
- A number of submissions raised concerns about the accuracy of data used to delineate the zone boundaries which has led to some properties being erroneously included within the Environmental Protection zone.
- Support expressed for environmental protection initiatives and the Environmental Protection zone. Several submissions supported the protection of bushland within the Round Corner area under the proposed 7(b) zone.
- Maroota State Forest is zoned Rural 1(b). This is an area of high conservation significance and should be protected as a conservation zone. The proposed zoning contradicts the Draft Rural Strategy and Sustainable Natural Assets Assessments.

Subdivision

- Suggestions that draft LEP does not reflect the original motivation for the Rural Lands Study to facilitate rural-residential subdivision. The draft LEP provides limited opportunities for subdivision.
- A new plan must be developed that provides for 2 hectare subdivision in the Rural 1(b) zoned areas as overwhelmingly demanded by the community. The current plan does not in any way accommodate the view of the community.
- Subdivision of 2 hectare lots into 4000 square metre lots should be provided for in the Glenhaven and Round Corner areas as the land is not suitable for agriculture and this form of subdivision would enhance the rural character of the area.
- Further subdivision of rural lots is not appropriate due to inadequate infrastructure and impacts on natural environment. Rural land is not simply land awaiting urban subdivision. Cluster housing model is preferred over further subdivision.

Development within village areas

- There is a need to change the present zoning provisions for the village areas to separate commercial development from residential development. This is required to prevent fragmentation of commercial land within the village areas and protect the potential for future expansion of the shopping areas. The current zoning permits mixed use development.
- The potential for the managed growth of the Annangrove, Maraylya, Glenorie and Kenthurst villages should be investigated. There is no room for further expansion of the Round Corner village area.

Agribusiness and tourism uses

- There is enormous potential for the promotion of agricultural sales and rural tourism within the rural areas eg farm gate trail and gourmet market to bring extra funds to the area and retain the rural landscape.
Appendix B

Section 54 consultation with DIPNR
<table>
<thead>
<tr>
<th>DIPNR comment</th>
<th>Our assessment</th>
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<tbody>
<tr>
<td>DIPNR supports the general direction of the Draft Rural Strategy and particularly the intent to protect viable agricultural land and environmentally sensitive areas by limiting rural-residential development.</td>
<td>The draft local environmental plan proposes no change to minimum lot sizes within the rural zones. Further rural-residential development is restricted to rural cluster development on 20 hectare minimum lots within the Rural 1(b) zone and environmental protection zones (where sufficient area is within the Rural 1(b) zone). The draft local environmental plan proposes expansion of the Environmental Protection 7(a) (Wetland) zone to include additional wetlands and the introduction of new Environmental Protection 7(b) (Bushland) and Environmental Protection 7(c) (Riparian Corridor) zones to provide protection of sensitive environmental areas. The draft plans also introduce provisions to protect the visual and riparian environment of the Hawkesbury River and provisions to protect the natural environment such as clearing restrictions. Viable agricultural lands are protected within the Rural 1(a) and Rural 1(b) zones although the intent of the Rural 1(a) zone is to protect land within the Rouse Hill Release Area for future urban development. The 40 hectare and 10 hectare minimum lot sizes within these zones are proposed to be retained to prevent further fragmentation.</td>
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</table>

DIPNR holds some concerns over foreshadowed subdivision of rural lands. DIPNR discourages further rural-residential or large lot subdivision of rural lands within the Sydney Basin. | The draft local environmental plan proposes to rezone land within the Maraylya area north of Maguires Road from Rural 1(a) with a minimum 40 hectare lot size to Rural 1(b) with a minimum 10 hectare lot size. There are two reasons given within the Plan Making Background Report for the change. One reason is to provide certainty for the area. The Maraylya area has been ruled out as a future release area and one of the objectives of the Rural 1(a) zone is to provide for future urban development. The other reason is to better reflect the established subdivision pattern within the area. SREP 20 sets out strategies to control the location of rural-residential development. The situation is that there is limited potential for further subdivision due to current lot sizes, with some 10 lots of sufficient size for further subdivision into 10 hectare lots. The draft local environmental plan proposes to permit rural cluster development within the Rural 1(b) zone on 20 hectare minimum lots. The intent is to provide for additional dwellings while retaining the landscape and biodiversity values of the area. The proposed provisions would enable 1 dwelling house for every 4 hectares of land and community title subdivision where each residential lot created contains one dwelling and is a minimum size of 0.4 hectares and a maximum size of 1 hectare. This then creates two development options for 20 hectare plus lots within the Rural 1(b) zone. A 20 hectare lot could be subdivided into two 10 hectare freehold title lots or into five 0.4-1 hectare community title lots and a balance of title lot. The potential impact of this alternative form of rural-residential subdivision on rural amenity and character is debatable. The fact is that much smaller rural-residential lots will be created than is currently provided for within the Rural 1(b) zone regardless of the form of title and this form of development has the potential to impact on the demand for public services and infrastructure and on the environment. The concept would enable... |
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<tr>
<th>DIPNR comment</th>
<th>Our assessment</th>
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<tr>
<td>further rural-residential development within the rural areas. This could be</td>
<td>inconsistent with advice from state government agencies and council may want to reconsider this proposal.</td>
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<tr>
<td>consistent with advice from state government agencies and council may want</td>
<td>to reconsider this proposal.</td>
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<tr>
<td>The issues raised by the Deerubbin Local Aboriginal Land Council with the</td>
<td>The issues raised by the Deerubbin Local Aboriginal Land Council are dealt with later within this section. In the preparation of the draft plans the</td>
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<tr>
<td>supporting studies should be addressed prior to exhibition of the draft local</td>
<td>issues raised have been adequately considered. However the future development of the former Maroota State Forest lands is an issue that warrants</td>
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<td>environmental plan.</td>
<td>further investigation and consultation with the LALC. This may mean that deferment of this area from the draft local environmental plan is</td>
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<td></td>
<td>appropriate.</td>
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Appendix C

Section 62 consultation with government agencies
<table>
<thead>
<tr>
<th>Comment</th>
<th>Our assessment</th>
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<tbody>
<tr>
<td><strong>Sydney Water</strong></td>
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<tr>
<td>Further rural subdivision and servicing additional rural lots is not consistent with reducing per capita potable water consumption and maintaining water pressure.</td>
<td>The draft local environmental plan does not propose any change to the minimum lot size within the rural zones. There will be limited potential for further rural or rural-residential subdivision and development other than through rural cluster development within the Rural 1(b) zone.</td>
</tr>
<tr>
<td>Support policy action to restrict subdivision within low-pressure area. Subdivision outside these areas also impacts on water pressure and is not supported.</td>
<td>The Draft Rural Strategy identified Glenorie as having the potential for future expansion based on the absence of constraints found elsewhere. The draft local environmental plan however does not propose any major expansion of the existing Glenorie area.</td>
</tr>
<tr>
<td>The Priority Sewerage Program will only investigate and provide improved wastewater services to the existing urban zoned lots in Glenorie. This area should not be identified as an area of potential expansion.</td>
<td>The draft local environmental plan does not propose the development of rural villages at Maraylya or Annangrove that would require connection to the Rouse Hill Sewerage System.</td>
</tr>
<tr>
<td>The feasibility of connecting Annangrove and Maraylya to the Rouse Hill Sewerage System has not been demonstrated or planned for.</td>
<td>The draft local environmental plan does not propose changes to the minimum lot size within the rural zones that would result in substantial further development within the rural areas. The draft plan therefore does not generate the need for the extension of water and wastewater services into the rural areas nor the need for servicing feasibility studies.</td>
</tr>
<tr>
<td>There are no plans to extend services into the rural areas. Water and wastewater servicing feasibility studies should occur prior to the preparation of a draft local environmental plan if substantial development was proposed.</td>
<td>The draft local environmental plan incorporates this request to rezone No 9 Pellit Lane. This request is reasonable and will support the orderly development of the site. There will be no further development potential above what can be achieved under the current zoning regime and the proposed zoning change will reflect the actual intended use of the site.</td>
</tr>
<tr>
<td>Request Sydney Water site at No 9 Pellit Lane be partly rezoned from Special Uses 5(a) Sewerage Treatment Works to Rural 1(c). The remaining part to be renamed Special Uses 5(a) Sewerage Pumping Station. The site is no longer used for sewerage treatment and is surplus to operational needs.</td>
<td>The draft local environmental plan incorporates provisions for development within salinity-affected areas including a requirement for management plans.</td>
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<tr>
<td><strong>Former NSW Fisheries</strong></td>
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<tr>
<td>50-metre wide riparian zone should be retained adjacent to waterways.</td>
<td>The draft local environmental plan amends the special provision within LEP 2004 relating to development near the Hawkesbury River to increase the minimum building setback from the riverbank from 30 metres to 50 metres.</td>
</tr>
<tr>
<td>Vegetation management plan including planting strategy using endemic riparian vegetation and aquatic vegetation be required to rehabilitate riparian zones.</td>
<td>A vegetation management plan does not and should not form part of the draft plans.</td>
</tr>
<tr>
<td>New development should aim to achieve no net increase in runoff and no reduction in water quality.</td>
<td>The draft local environmental plan incorporates an objective for each rural zone to protect and enhance water quality but there are no specific provisions within the draft development control plan relating to water quality. The development control plan would benefit from the inclusion of appropriate water quality provisions.</td>
</tr>
<tr>
<td>Land uses such as agriculture should aim to minimise impacts on aquatic habitat by requiring buffer distance between waterways and agriculture and restricting stock in riparian zone.</td>
<td>Agriculture is a prohibited use in the proposed Environmental Protection 7(c) (Riparian Corridor) Zone.</td>
</tr>
<tr>
<td>Consider potential contamination and downstream effects on groundwater.</td>
<td>The protection and enhancement of groundwater resources is an objective for each rural zone under the draft local environmental plan.</td>
</tr>
<tr>
<td>Salinity should be determined and mitigation measures identified.</td>
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</tbody>
</table>
**Former NSW Agriculture**

Concerned that the growth management principle to provide opportunities for rural subdivision is inconsistent with the strategy objective to maintain long-term sustainable agricultural lands.

The draft local environmental plan provides limited opportunities for further rural or rural-residential subdivision within rural areas. The draft plan proposes to retain current minimum lot sizes within the rural zones. The draft local environmental plan is largely consistent with this comment however the rural cluster development concept within the Rural 1(b) zone may need to be reconsidered.

The draft plan should continue to provide opportunities for agricultural investment and limit fragmentation of existing and potential agricultural production areas.

The local environmental plan retains a minimum lot size of 40 hectares and 10 hectares within the Rural 1(a) and Rural 1(b) zones to ensure that further fragmentation of land is not an impediment to existing and potential agricultural activities. The draft local environmental plan is largely consistent with this comment however the rural cluster development concept within the Rural 1(b) zone may need to be reconsidered.

Develop a transition strategy to avoid land use conflicts.

The draft local environmental plan does not propose significant land use change. A fundamental objective of the development control plan is to encourage the use of the rural areas for agriculture and rural uses and minimise land use conflicts through appropriate development controls.

**Former Department of Mineral Resources**

Need to make provision for mines and underground mining to be permissible with development consent.

No significant mineral resources have been identified within the shire that would justify mines and underground mining as permissible forms of development.

Mines and extractive industries should be permissible in the Rural 1(a) – Rural 1(d) zones but not national parks or nature reserves.

SREP No 9 applies to the shire and identifies land that contains extractive material of regional significance. LEP 1991 permits extractive industry development with consent only within the Rural 1(b) zone.

**Integral Energy**

Existing electricity infrastructure in rural areas was designed to cater for a low-density usage pattern and would not be sufficient to accommodate additional demands from proposed development.

The draft local environmental plan proposes no changes to minimum lot sizes within the rural zones and therefore there will be limited opportunities for additional development. The draft local environmental plan is largely consistent with this comment however the rural cluster development concept within the Rural 1(b) zone may need to be reconsidered.

**Western Sydney Area Health Service**

The council has responsibility to address biodiversity conservation issues.

The draft local environmental plan creates two new environmental protection zones and extends the existing environmental protection zone to include additional wetland areas. The objectives of these zones are to protect biodiversity. Biodiversity protection is also addressed through provisions within the development control plan.

**Deerubbin Local Aboriginal Land Council**

The Draft Rural Strategy or the Sustainable Natural Assets Mapping Report do not constitute a local environmental study under section 57 of the EPA Act.

The DIPNR section 54 response states that the preparation of a local environmental study was not required given the extensive nature of the studies undertaken as part of the Rural Lands Study and Natural Assets Assessment Project.

Draft Rural Strategy is discriminatory and disproportionately affects the interests of...
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<th>Comment</th>
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<tr>
<td>Deerubbin LALC as most land owned by the LALC is designated nature conservation while the current zoning is Rural 1(b). LALC has been targeted to provide the nature conservation requirements of the region. LALC land should be rezoned Rural Landscape consistent with the current zoning.</td>
<td>environmental plan was based on or considered land ownership. The zones were based on the land use designations formulated within the Draft Rural Strategy. These land use designations were derived from an assessment of land capability and existing land use and development patterns. The proposed Environmental Protection 7(b) (Bushland) zoning of the former Maroota State Forest lands now owned by the Deerubbin LALC may be appropriate but perhaps does not recognise that there are degraded areas that may provide some development potential. The area warrants further investigation to confirm the most appropriate planning controls over the area.</td>
</tr>
<tr>
<td>Unclear how land use designations in the Draft Rural Strategy were derived from the Natural Assets Mapping Report. A comparison of the vegetation map and land use designations indicates that bushland is far more widespread than reflected in the land use designations.</td>
<td>Appendix 4 of the Draft Rural Strategy sets out the methodology used to determine the land use designations. The Natural Assets Mapping Report identifies vegetation. This is one of a number of factors considered in the delineation of land use designations.</td>
</tr>
<tr>
<td>The nature conservation designation in the Draft Rural Strategy has ignored the distribution of endangered ecological communities.</td>
<td>The distribution of endangered ecological communities has been considered in the formulation of the Environmental Protection 7(b) (Bushland) zone.</td>
</tr>
<tr>
<td>The land use designation approach relies on historic patterns of land ownership and not an objective process of identification based on the findings of the Natural Assets Mapping Report.</td>
<td>Land ownership was not a factor used to determine the land use designations within the Draft Rural Strategy or the zones under the draft local environmental plan.</td>
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Appendix D

Section 34A consultation with DEC
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<th>Comment</th>
<th>Our assessment</th>
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<tr>
<td>Incorporation of biodiversity conservation measures and bushfire and threatened species protection into the local environmental plan is supported particularly the implementation of environmental protection zones.</td>
<td>The draft local environmental plan proposes expansion of the Environmental Protection 7(a) (Wetland) zone to include additional wetlands and the introduction of new Environmental Protection 7(b) (Bushland) and Environmental Protection 7(c) (Riparian Corridor) zones to provide protection of sensitive environmental areas. The draft plans also introduce provisions to protect the visual and riparian environment of the Hawkesbury River and provisions to protect the natural environment such as clearing restrictions.</td>
</tr>
<tr>
<td>Support decision to not support further subdivision in most rural areas however concerned about proposal to reduce minimum lot size in the Rural 1(a) zone to allow rural cluster subdivision.</td>
<td>Rural cluster development is proposed to be permissible in the Rural 1(b) zone only and not in the Rural 1(a) zone. This concept will not reduce the minimum lot size permissible within the zone but will enable 20 hectare plus lots to be subdivided into a small number of 0.4 and 1 hectare lots and a larger balance of title lot. The concept would enable further rural-residential development and may need to be reconsidered.</td>
</tr>
<tr>
<td>The draft local environmental plan should protect and manage areas of high and moderate ecological value including potential linkages through inclusion within conservation or environmental protection zone.</td>
<td>The Natural Assets Assessment Project identified the distribution of vegetation communities and endangered ecological communities. The outcomes of the project have been translated into the draft local environmental plan with the proposed introduction of two new environmental protection zones – the 7(b) (Bushland) and 7(c) (Riparian Corridor) zones. The 7(a) (Wetlands) zone has also been expanded to incorporate wetland areas. The areas identified as very high ecological status are incorporated within these proposed environmental protection zones.</td>
</tr>
<tr>
<td>The draft local environmental plan should protect and manage areas of low and moderate ecological value.</td>
<td>The draft plans introduce provisions to protect the natural environment and areas of low and moderate ecological status outside of the environmental protection zones.</td>
</tr>
<tr>
<td>The draft local environmental plan should protect and manage Aboriginal heritage values. The potential for rural lands to contain areas of Aboriginal heritage significance needs to be assessed through consultation with local Aboriginal land councils. There may be significant opportunity for protection of overlapping Aboriginal heritage and biodiversity values through the local environmental plan.</td>
<td>Baulkham Hills LEP 2004 incorporates the NSW Heritage Office model provisions for the protection of heritage.</td>
</tr>
<tr>
<td>Encourages the opportunity to incorporate incentive provisions in the local environmental plan.</td>
<td>No incentive provisions are incorporated into the LEP for the protection of the environment. The publication <em>Biodiversity Planning Guide for NSW Local Government</em> (NPWS 2001) contains a useful overview of incentive programs for biodiversity conservation and developing local environmental plan provisions. These incentives program options could be considered further for land impacted by the introduction of the Environmental Protection 7(b) (Bushland) zone.</td>
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Appendix E

Community Liaison Group meeting notes
A meeting with the Community Liaison Group established for the project was held on 1 February 2005 to provide an opportunity for the members to highlight and discuss issues related to the Rural Lands Study review. The issues raised and discussed during the meeting are summarised below.

**RLS approach and outcomes**

- RLS is cut and paste from other RLS documents.
- RLS flawed. Based on ideology. Question is not the DLEP but the basis for DLEP. No opportunity to comment on or influence RLS outcomes.

**Rural-residential subdivision**

- Historic approaches for subdivision rejected repeatedly. RLS has not delivered. Ignored justification put forward. Representations not reflected or ignored.
- Water/sewer supply not a factor. Use tank water eg Box Hill and alternative on-site sewerage technology.
- Want five-acre subdivision for some areas but not all rural lands.
- Inconsistent approach. Council has rezoned and subdivided some areas over time.
- Anomalies exist with a variety of lot sizes. Need a logical approach.
- Older community wants to sell off portion of land so they can remain in the area and close to family.
- Balance needed between rural and rural-residential for economic viability.
- Want to retain rural character and amenity. Do not want wholesale clearing of vegetation.
- Small-lot subdivision does not preclude or hinder future urban development potential.
- New fire restrictions means some areas cannot be developed. Council and state government restrictions control extent of development.
- 458 residents at community meetings supported subdivision.
- Not interested in what other councils are doing.
- Distrust planners who come from outside area and impose restrictions on development – societal benefits but costs borne by few individuals.
- Community should determine outcomes.
- Do not need water or sewer. Need upgraded power. Impacts on water quality?
- 69 percent of rural land 0.8-3ha lots. There is not a huge potential for further subdivision. Need to quantify number of lots that can be subdivided. May not be many.
- Traffic implications of further subdivision and road upgrading requirements? Existing traffic volumes low. Not local traffic. Subdivision means more money to spend on roads.
- Development limit? Is there one? Should the market decide?
- Rural Enterprise zone equals choice and should be introduced.
- RLS recognised predominant land use is rural-residential. People want to live here. Agriculture is dead – cannot compete.
- Release of rural-residential lots would be staged and responsive to market demand.
- Urgent need for growth in shire.
- Anything over 5ha is treated as an asset. This has implications for aged pension eligibility.

**Environmental protection**

- DLEP has imposed 7(b) zone. No logical platform for delineation of zone. Zone should be scrapped.
- Zone is a disincentive to maintain bushland on private land. Environment protected better without such zoning.
- Environmental protection zone means loss of land values. No compensation proposed.
- Need for more justification/explanation for 7(b) zone. No nexus between RLS and DLEP. 7(b) zone not previously mentioned during RLS process. Zone equates to privately funded national park and is not equitable.
- Why do we need a 7(b) zone? Problem is 40ha minimum lot size restriction in 7(b) zone – what happens with existing undersized lots?
- How do you guarantee bushland protection? This is addressed in RLS. Public versus private land – different approach? Public bushland areas sufficient.

**Rural cluster development**

- This is not a practical approach. Should be based on density ratio.
- Forces people to live close together. This is the opposite to what people want.
Village and commercial expansion

- Why is Glenorie village expansion not considered? Lack of growth in Glenorie with business dying and no support services.
- Village area zoning should be for commercial and not for residential – not mixed use.
- Design theme for villages – street trees etc should be developed to attract people.
A public meeting was held on 16 February 2005 to provide an opportunity for members of the local community to raise new issues or reiterate issues previously raised within submissions on the Rural Lands Study. The issues raised during the meeting are summarised below.

Rural-residential subdivision

- Concerned about additional demand for health and other community services generated by further subdivision and additional demand on power supply.
- Concerned about water and sewerage constraints to further subdivision. Water tanks are not the answer.
- Concerned about traffic impacts on rural roads from further subdivision and the lack of public transport to service new development.
- There should be the opportunity for detached dual occupancy development on rural lots to cater for families.
- Historic ban on five acre subdivision. Reasons have changed over time. Need to accommodate population growth. Want an end to the ban on subdivision for the prosperity of the area which has been starved of growth.
- RLS must respect wishes of community and provide benefits to the community. Want subdivision to restore hope and prosperity to the area and residents.
- Many areas not viable for agriculture. Five acre lots can be self-sufficient with rainwater tanks and on-site sewerage systems.

Environmental protection zone

- Concerned about future of former Maroota State Forest area.
- What is the intent and rationale behind the 7(b) zone? What is being protected? Who will maintain 7(b) zoned areas.
- Ridiculous situation where lots have multiple zonings over them. How is this managed?
- No mention of 7(b) zone until draft local environmental plan prepared.
- Do not support 7(b) zone.
- Need to review methodology behind 7(b) zone boundary delineation. Need for ground-truthing to address inaccuracies and errors.
- Support 7(b) zone. The protection of the environment for our future generations is important.

Rural character and amenity

- How do you maintain rural character close to urban areas and with encroaching development?
- Can maintain rural character with small-lot subdivision.
- Cannot tell the difference between rural lots and rural-residential lots. With good design can maintain rural character with subdivision.

Rural villages and commercial development

- Need to look at Glenorie village.
- Villages need to be viable. Need to be expanded.
- Support maintaining rural character of villages through precinct plans.
- Round Corner has no further expansion potential. Needs more open space provision.
- Need more community facilities in the rural villages.
- Need to plan for future growth of rural villages. There is no provision for commercial expansion in Glenorie. Need to set aside land for village centre growth.

Agricultural development

- Broadacre agriculture is dead. Alternative agricultural uses needed eg agritourism such as Hunter Valley.
- Agritourism is not viable. This is not the answer.
- Lot sizes respond over time to changing needs. Five acre lots have no relevance.

Heritage protection

- More emphasis should be placed on cultural heritage protection including Aboriginal sites on private land.
Appendix G

Consistency with SREP 20
<table>
<thead>
<tr>
<th>Issue</th>
<th>Strategies</th>
<th>Our assessment</th>
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</thead>
<tbody>
<tr>
<td>Environmentally sensitive areas</td>
<td>Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability. Protect wetlands from future development and from the impacts of land use within their catchments.</td>
<td>The draft local environmental plan is consistent with these strategies. These environmentally sensitive areas are incorporated within proposed environmental protection zones under the draft local environmental plan.</td>
</tr>
<tr>
<td>Water quality</td>
<td>Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site. Develop in accordance with the land capability of the site and do not cause land degradation.</td>
<td>The proposed zones within the draft local environmental plan are based on the land use designations established within the Draft Rural Strategy. The draft local environmental plan does not propose substantial further rural subdivision or development. The draft local environmental plan is consistent with these strategies.</td>
</tr>
<tr>
<td>Flora and fauna</td>
<td>Conserve and where appropriate enhance flora and fauna communities and existing or potential fauna corridors.</td>
<td>The draft local environmental plan is consistent with this policy. The draft plan proposes the incorporation of extensive bushland areas and fauna corridors within a new Environmental Protection 7(b) (Bushland) zone.</td>
</tr>
<tr>
<td>Riverine scenic quality</td>
<td>Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.</td>
<td>The proposed Environmental Protection 7(c) (Riparian Corridor) Zone is consistent with this strategy.</td>
</tr>
<tr>
<td>Rural-residential development</td>
<td>Give priority to agricultural production in rural zones. Maintain or introduce appropriate separation between rural residential use and agricultural use. Do not locate development in areas identified for future urban purposes. Consider the ability of the land to accommodate on-site effluent disposal in the long term. Consider any adverse environmental impacts of infrastructure associated with development.</td>
<td>The draft local environmental plan is substantially consistent with these strategies. The draft plan does not propose any change to minimum lots sizes within the rural zones or substantial further rural subdivision or development. The draft local environmental plan proposes to permit rural cluster development within the Rural 1(b) zone on 20 hectare minimum lots. The potential impact of this alternative form of rural-residential subdivision on the demand for public services and infrastructure and on the environment needs to be further considered.</td>
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Appendix H

Compliance with relevant section 117 Directions
<table>
<thead>
<tr>
<th>Section 117 Direction</th>
<th>Requirements</th>
<th>Our assessment</th>
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</thead>
<tbody>
<tr>
<td>G1 Model Provisions</td>
<td>This direction requires that draft local environmental plans as far as possible adopt the provisions of any set of model provisions.</td>
<td>The draft local environmental plan largely complies with this direction. The draft plan introduces minor variations to existing land use definitions and new land use definitions that are not consistent with the Model Provisions. The rural cluster development definition may need to be deleted should the concept not be included within the local environmental plan.</td>
</tr>
<tr>
<td>G2 Circulars to Councils</td>
<td>This direction requires that draft local environmental plans have regard to various circulars issued by the state planning agency. The circulars are dated and are no longer considered relevant to current planning practices.</td>
<td>The compliance of the draft local environmental plan with the circulars has not been assessed.</td>
</tr>
<tr>
<td>G3 Reservations</td>
<td>This direction requires that draft local environmental plans do not substantially reduce existing reservations or zonings of land for public open space and include zonings and reservations requested by public authorities and are relevant to the functions of those public authorities.</td>
<td>The draft local environmental plan complies with this direction. The draft plan incorporates a request by Sydney Water for minor zoning changes associated with one of its sites.</td>
</tr>
<tr>
<td>G4 Minister or Public Authority Approval / Concurrence</td>
<td>This direction states that draft local environmental plan provisions cannot remove existing provisions or introduce new provisions requiring the approval or concurrence of a Minister or public authority without the approval of that Minister or public authority.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G5 Development by the Crown</td>
<td>This direction states that draft local environmental plans shall not alter or remove the existing requirement that council may not refuse to grant consent or attach conditions to a consent to an application for development by the Crown, statutory authority or instrumentality.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G6 Savings</td>
<td>This direction states that draft local environmental plans shall not alter or remove existing savings provisions for certain developments.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G7 Existing General Provisions</td>
<td>This direction requires draft local environmental plans to maintain certain provisions relating to certain areas and forms of development.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G8 Rural Zones</td>
<td>This direction requires draft local environmental plans to retain certain provisions which enable a dwelling house to be erected on an existing parcel and to not rezone rural land for an urban purpose.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G9 Residential Zones</td>
<td>This direction requires that draft local environmental plans contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. The direction</td>
<td>The draft local environmental plan complies with this direction.</td>
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<td>Section 117 Direction</td>
<td>Requirements</td>
<td>Our assessment</td>
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<td>also requires that provisions relating to minimum lot size for a dwelling house not be increased and that no reduction of the permissible residential density on any land is permitted.</td>
<td>The draft local environmental plan introduces a new Business 3(d) (Village Centre) zone for the village areas that are currently zoned General Business 3(a). The draft local environmental plan does not substantially alter the location of existing business zones or reduce zonings of land for business development and therefore complies with this direction.</td>
</tr>
<tr>
<td>G10 Business Zones</td>
<td>This direction requires that draft local environmental plans shall not substantially alter the location of existing zonings or reduce zonings of land for business development and shall retain existing floor space ratio controls.</td>
<td>The draft local environmental plan complies with this direction. The plan does not remove existing zonings for environmental protection but rather expands environmental protection areas.</td>
</tr>
<tr>
<td>G12 Environmental Protection</td>
<td>This direction requires that draft local environmental plans shall not alter or remove existing zonings for environmental protection areas and that provisions relating to subdivision and development control for these areas shall be retained.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G13 Corridors</td>
<td>This direction requires that draft local environmental plans shall not alter or remove existing zonings of land for special use, open space, communications or other corridor purposes and that provisions relating to subdivision and development control of land within corridors shall be retained.</td>
<td>The council has undertaken consultation with the NSW Rural Fire Service and had regard to Planning for Bushfire Protection 2001. The draft development control plan incorporates appropriate provisions for development on bush fire prone land. The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G20 Planning for Bushfire Protection</td>
<td>This direction requires that draft local environmental plans comply with certain requirements for bush fire prone areas.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>G25 Flood Liable Land</td>
<td>This direction requires that draft local environmental plans restrict development of flood liable land.</td>
<td>The draft local environmental plan complies with this direction.</td>
</tr>
<tr>
<td>C1 Acid Sulfate Soils</td>
<td>This direction requires that draft local environmental plans shall not rezone land identified as having a probability of acid sulfate soils unless an acid sulfate soils study has been considered and unless the plan contains provisions consistent with the Acid Sulfate Soils Model LEP.</td>
<td>The draft local environmental plan complies with this direction. Areas where acid sulfate soils or potential acid sulfate soils occur are incorporated within the proposed Environmental Protection 7(c) (Riparian Corridor) Zone under the draft local environmental plan. Appropriate provisions for development on land identified on acid sulfate soils mapping are included within LEP 2004.</td>
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Appendix I

Consistency with the Draft Rural Strategy
<table>
<thead>
<tr>
<th>Objective</th>
<th>Implementation strategies and actions</th>
<th>Our assessment</th>
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<tr>
<td><strong>Growth management:</strong> Provide for coordinated and effective growth in the rural lands.</td>
<td>Adopt the growth management philosophy outlined in section 11.2 of the document and the settlement hierarchy shown on Map 11.1. Glenorie, Annangrove and Maraylya identified as village expansion areas. Prepare draft local environmental plan for the village expansion and large lot residential investigation areas once adequate water and sewerage infrastructure is available. Limit urban releases to land under SREP 19 and request DIPNR to place North Kellyville on the Metropolitan Development Program. Prepare strategies for the economic and social growth of the rural areas.</td>
<td>The settlement hierarchy is identified within the draft development control plan and reflected in the zoning controls under the draft local environmental plan. The expansion of these villages requires more detailed investigation before appropriate zoning and development controls can be formulated within the local environmental plan. This is outside the scope of the draft local environment plan and development control plan. This is outside the scope of the draft local environment plan and development control plan.</td>
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<tr>
<td><strong>Land use planning:</strong> Develop a land use framework that will give a level of certainty to the people who live in the rural areas.</td>
<td>Adopt the land use designations shown on Map 11.2 and prepare a draft local environmental plan to formalise these as statutory zones. Prepare a set of desired future character statements for each land use designation. Adopt these minimum lot sizes for each land use designation: Rural Landscape – 10 ha Nature Conservation – 40 ha Mixed Rural – 2 ha Develop controls to allow rural cluster development within the Rural Landscape land use designation. Review and consolidate the existing local environmental plan into one instrument for the rural lands. Prepare master plans for these villages: Wisemans Ferry, Glenorie, Kenthurst and Round Corner. Prepare a development control plan to provide effective and appropriate land use management guidelines for the rural lands. Prepare specific controls for land uses considered to be non-sustainable or problematic.</td>
<td>The land use zones proposed within the draft local environmental plan reflect the land use designations indicated within the Draft Rural Strategy. This is encapsulated in the zone objectives proposed within the draft local environmental plan and the zone functions set out within the draft development control plan. These recommended minimum lot sizes are reflected within the draft local environmental plan. Rural cluster development has been introduced into the draft local environmental plan within the Rural 1(b) (Rural Landscape) Zone. A single local environmental plan is proposed for the rural lands of the shire. This is outside the scope of the draft local environmental plan and development control plan. A draft development control plan for the rural lands has been prepared. Specific controls for such uses are incorporated within the draft development control plan.</td>
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<tr>
<td>Objective</td>
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<td>Quality of life: Ensure that residents have adequate access to appropriate services and facilities.</td>
<td>Prepare a set of quality of life indicators which can be used to assess the level of service provided to rural residents.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Review council consultation structures and provide for improved community participation for rural residents.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Develop a media strategy for distribution of community information to rural residents.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Develop a policy that supports existing and establishes new rural community networks and organisations.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Review and lobby for government programs and policies to provide equity of access for rural residents to services.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Implement recommendations that relate to public transport.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Prepare action plans for rural villages and service centres to meet local needs.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Review the Social Plan and other policies to ensure that the needs of specific target groups are met.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Develop a rural areas section 94 contributions plan and a long-term funding strategy for rural services and infrastructure delivery.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
</tr>
<tr>
<td>Economic development and employment opportunities: To provide for economic development opportunities that are in keeping with the rural character of the shire.</td>
<td>Amend the current economic development strategy to incorporate rural-based activities and develop a shire marketing plan that promotes the rural lifestyle benefits of the shire.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td>Encourage existing businesses to remain and expand.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<td></td>
<td>Provide economic incentives to encourage the development of rural activities.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan. The development of a Rural Incentives Program is something that council should consider.</td>
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<tr>
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<td>Encourage rural-based tourism.</td>
<td>The draft local environmental plan encourages rural-based tourism through the proposed zone objectives and land use controls.</td>
</tr>
<tr>
<td>Infrastructure requirements: Provide an adequate level of infrastructure for the people</td>
<td>Adopt a policy of not permitting subdivision of land in low-pressure areas identified by Sydney Water.</td>
<td>The draft local environmental plan does not propose substantial further subdivision of rural land.</td>
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<tr>
<td>Objective</td>
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<td>who live and work in rural parts of the shire.</td>
<td>Encourage Sydney Water to provide reticulated sewerage to Glenorie and Kenthurst villages and adopt a policy of not permitting subdivision of rural land into less than 1 hectare lots unless connected to a reticulated sewerage system.</td>
<td>Glenorie forms part of the Priority Sewerage Program but this is limited to existing zoned development areas. There are no plans to extend the program to other parts of the shire. The minimum lot size proposed within the rural zones is 2 hectares.</td>
</tr>
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<td>Develop and implement action plans for the rural villages and centres to ensure that appropriate levels of recreation facilities are provided.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<tr>
<td></td>
<td>Prepare a road upgrading program to ensure roads in the rural parts of the shire are adequate for existing and future traffic demands.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
</tr>
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<td></td>
<td>Prepare a transport plan for the rural areas.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
</tr>
<tr>
<td>Water catchments:</td>
<td>Establish catchment health indicators to measure the cumulative impact of development.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
</tr>
<tr>
<td>To ensure that the quality of surrounding waterways is not adversely affected by development.</td>
<td>Development is to utilise best management practices for soil and water management.</td>
<td>Suitable erosion and sediment controls are included within the draft development control plan.</td>
</tr>
<tr>
<td></td>
<td>Development is to be located an appropriate distance from waterways.</td>
<td>The introduction of the Environmental Protection 7(c) (Riparian Corridor) zone restricts development within the riparian corridor and provided a buffer to creeks.</td>
</tr>
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<td></td>
<td>On-site effluent disposal is to be in accordance with state government and council policy.</td>
<td>Development Control Plan No 2: On-Site Sewerage Management Systems contains specific controls on the disposal of effluent in non-sewered areas.</td>
</tr>
<tr>
<td>Ecological management:</td>
<td>Prepare plans linking core areas of remnant vegetation. Incorporate significant bushland in future local environmental plans. Determine conservation strategies for endangered and vulnerable species. Consider the implementation of environmental protection zones to protect significant biodiversity areas. Identify and protect significant native vegetation linkages as outlined in the Natural Assets Mapping Report and incorporate within the draft local environmental plan.</td>
<td>The outcomes of the Natural Assets Mapping Report have been translated into the draft local environmental plan with significant bushland incorporated within the proposed Environmental Protection 7(b) (Bushland) Zone.</td>
</tr>
<tr>
<td>To ensure that the ecological integrity of the rural lands is enhanced and maintained.</td>
<td>Prepare a roadside vegetation management plan for the rural areas.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
</tr>
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<td>Prepare guidelines for vegetation evaluation including use of the 8 part test for significance under the Threatened Species Conservation Act.</td>
<td>The draft development control plan contains provisions to address biodiversity protection.</td>
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<tr>
<td>Objective</td>
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<tr>
<td><strong>Scenic and landscape:</strong> Ensure that development has a minimal impact on the scenic and cultural landscape of the shire and that urban growth is managed to retain the rural character of the shire.</td>
<td>Ensure that dwelling houses and outbuildings are classified as local development under the Environmental Planning and Assessment Act.</td>
<td>Dwelling-houses and rural sheds greater than 100 square metres are identified as local development in the draft local environmental plan.</td>
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<td>Develop guidelines for the siting and design of buildings and incorporate them into a development control plan.</td>
<td>The draft development control plan provides controls for the siting and design of buildings including dwelling-houses and rural shed.</td>
</tr>
<tr>
<td></td>
<td>Require rezoning applications for new urban or rural residential development to investigate the impact on the landscape character of the rural area.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
</tr>
<tr>
<td><strong>Heritage and culture:</strong> To preserve the rural heritage and culture of the shire.</td>
<td>Incorporate any unlisted existing heritage items into the proposed local environmental plan.</td>
<td>This was undertaken as part of LEP 2004.</td>
</tr>
<tr>
<td></td>
<td>Prepare guidelines to ensure the heritage values of the landscape are preserved and not harmed by development and incorporate these into a development control plan for the rural areas.</td>
<td>Provisions for the protection of heritage values should be incorporated within the draft development control plan.</td>
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<td>Update planning controls to protect Aboriginal heritage sites.</td>
<td>LEP 2004 contains appropriate heritage protection provisions.</td>
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<td>Promote and support the rural heritage of the shire.</td>
<td>This is outside the scope of the draft local environmental plan and development control plan.</td>
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<tr>
<td></td>
<td>Provide incentives for heritage protection.</td>
<td>Heritage protection is a legal requirement under national and state legislation.</td>
</tr>
<tr>
<td><strong>Natural hazards:</strong> Recognise the impact of natural hazards on future land use and settlement.</td>
<td>Implement the requirements of the Planning for Bush Fire Protection into the proposed local environmental plan and development control plan.</td>
<td>LEP 2004 contains appropriate provisions for bush fire prone areas and the draft development control plan incorporates the model provisions from the Planning for Bushfire Protection guidelines.</td>
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<td>Do not permit development on land where vegetation clearing will cause erosion.</td>
<td>The draft development control plan incorporates relevant provisions to control clearing.</td>
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<td>Identify areas of salinity occurrence and place controls on the clearing and use of affected land.</td>
<td>The draft development control plan incorporates relevant provisions.</td>
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<td>Adopt the 1% AEP as the design flood for new development and do not permit development below that level.</td>
<td>LEP 2004 adopts the 1% AEP as the design flood standard.</td>
</tr>
</tbody>
</table>