

WHERE ARE WE UP TO & WHAT NEXT?

MEMBERS MEETING

DATE: SUNDAY 6 November 2011
TIME: 4:00 pm
PLACE: GLENORIE RSL
3 POST OFFICE RD, GLENORIE

Are you upset at the way your submission to the draft LEP made no difference to the outcome? Do you want to find out what action we can take before the LEP is gazetted early next year? Turn over for more details.

Biodiversity overlay—free development offsets?

Another group fighting against unreasonably restrictive LEPs has discovered why some councils are so keen to apply biodiversity overlays—**so they can use them as offsets against development elsewhere**. Apparently the state government awards councils “development credits” amounting to at least 25% of any private land they manage to quarantine under some form of “environmental protection”. Those “credits” are then used to “offset” the environmental impact of development in other areas, allowing higher densities than would otherwise be the case.

If this is correct, then it would represent yet another example of how current legislation permits the government to transfer wealth without compensation or agreement from those whose land is quarantined to those whose land is not.

We have written to the Hills Shire Council seeking clarification, and hope to have a response by the time of the meeting planned for 6 November.

Planning Act review

As mentioned in the President's column, the state government is currently reviewing the Environmental Planning & Assessment Act 1979—the legislation that gives legal force to the council's LEP. They are calling for submissions about what should form “the bedrock principles” of new legislation to replace the existing Act.

Given the way the current LEP has stripped us of our ownership rights and turned us all into caretakers, we suggest that the most important principle should be “**first, protect property rights**”, and it wouldn't hurt to make this point in a submission or by attending one of the meetings planned for the Hills area (details: <http://planningreview.nsw.gov.au>)

Although it seems that submissions are usually disregarded, they will become very important when justice finally returns, so don't give up just yet!

“Sensitive environmental land”—really?

Have you noticed how scrub is now described as “sensitive environmental land”? Has the land itself changed, or is this simply an emotive term, cleverly designed to make it easier for bureaucrats to justify restricting development? It would be more honest to use the term “undeveloped land”.

President's Column

Well I guess you are all aware by now that the council approved the draft LEP with only one amendment that in any way addresses our concerns, but with 89 pages of amendments to satisfy the state government.

I am very concerned about claims made by some councillors that the state government would not permit them to reduce the minimum rural lot size to 5 acres over a wider area. The overwhelming consensus of everyone from legal and planning advisers to Department of Planning bureaucrats and politicians confirms that it is up to the council what they put in the LEP. Even the former Mayor, Mike Thomas, is on the record as saying that the Department of Planning invited the council to propose a minimum rural lot size of 5 acres in the LEP, and says he was disappointed they didn't do so.

What this shows is the dangers of permitting non-owners – councillors and government bureaucrats – to interfere with property rights, and just how far the legislation they rely on – the Environmental Planning & Assessment Act 1979 (EP&A Act) – has taken us from the principles of freedom and democracy.

The root of the problem is the **complete absence of protection for property rights** in the EP&A Act. Under the Act, there is literally no limit upon the extent to which restrictions and regulations can override ownership rights. Owners cannot challenge unjust or unreasonable zoning decisions or LEPs. The Act has gradually transferred ownership rights from titleholders to the government and council—so slowly, most haven't noticed. It is the greatest attack on property rights in the history of NSW.

Right now the Act is being reviewed, so we have an opportunity to tell them what we think about this. I have already made a submission, and I encourage you to join me.

Alex Davidson, President.

More information ...

The primary aim of **5 Acres Now** is to regain the right, withdrawn some 40 years ago, to subdivide large lots to 5 acres in the so-called “rural” area of the Hills Shire. That's why we are called **5 Acres Now**. We believe this is a very reasonable goal that will

benefit the area by restoring a moderate level of growth without undue impact upon the environment or infrastructure. To find out more, visit our website: www.5acresnow.com.au, or contact us as detailed below.