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9 September 2003

Ms Jennifer Westacott
Director General
Department of Infrastructure Planning and Natural Resources
Level 1 23-33 Bridge St., Sydney NSW 2000

Dear Ms Westacott,

I am writing on behalf of myself and a group of about 40 owners of large blocks (10 – 100 acres) in the Glenorie / Hillside area of Sydney, because we are concerned about the way the Baulkham Hills Shire Council is blocking our attempts to subdivide our properties.

Up until about 1975, landowners in our area were generally free to subdivide their holdings to 5 acre lots. Often this was done to make remaining holdings easier to manage, or for other reasons, such as releasing funds for retirement or property improvement, and providing opportunities for family to settle in the area.

However, around that time the Council introduced a zoning covering our area that prohibited subdivision if it produced any lot smaller than 25 acres. Over the years the Council has advanced many reasons for their position, most of which cannot be substantiated, or lack consistency and logic.

Since 1983 there have been 3 rural lands studies carried out – 2 council-funded, and one community-funded – all of which recommended lifting the prohibition against subdivision to 5 acres in specified areas. However, the Council's response to these studies has been to continue with the prohibition.

Now the Council has engaged a consultant to prepare another rural land study, at a cost to ratepayers of some \$300,000, but in contrast to the 3 earlier studies, this one appears set to recommend a continuation of the prohibition against subdivision to 5 acres. Of particular concern to us is the fact that so far, some 3 years into the study, the Council has steadfastly refused to make any amendments to any of the reports presented to it by the consultant, in spite of receiving around 100 well-researched submissions critical of the findings in the reports.

We cannot understand why the Council continues to oppose us, particularly since at most only a few hundred additional lots would be created at a very low density (1 dwelling per 5 acres), and as prior reports have confirmed, this would have minimal impact on the environment and infrastructure demand, and provide significant benefits to the area.

Many of us have made representations to the Council and councillors to remind them that community consultation does not just mean listening – it also means showing a readiness to change plans in response to the concerns of the community – but in spite of this, not one single amendment has been made to any of the consultant's reports that have been tabled before the Council.

Finally, at a Council meeting on 19 August 2003, a councillor stated that the Council's hands were tied by the need to obtain a section 65 certificate from your department prior to placing any draft plans on exhibition, and that such a certificate would not be issued unless the draft plan complied with requirements laid down by your department. When questioned, a Council staff member confirmed that your department would not issue a section 65 certificate if the draft plan proposed rezoning rural land so as to permit subdivision below the limits currently in force.

We would like to know if this is correct. Specifically:

1. Is it correct that your department will not issue a section 65 certificate permitting exhibition unless the draft local environment plan prepared by the Baulkham Hills Shire Council complies with guidelines and directives issued by your department?
2. If (1) is correct, where might we obtain details about the guidelines and directives that your department has issued to the Baulkham Hills Shire Council?
3. Has your department issued any directive to the Baulkham Hills Shire Council that would prevent them from placing a draft local environment plan on exhibition that permitted subdivision to lot sizes of 5 acres in the Glenorie / Hillside area?

Yours sincerely,

Alex Davidson