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The Councillors

**Copy to: General Manager
Director of Planning Services
Baulkham Hills Shire Council
PO Box 75, Castle Hill, NSW 1765**

Dear Councillor,

I am writing to you on behalf of a group of residents living in the Glenorie / Hillside area, because we are very concerned and upset that our interests, and those of the wider local community, will not be incorporated into the new "rural" LEP.

The adopted Rural Strategy does not recognise community aspirations

The most recent steps in the process of developing a Strategy to guide the preparation of the new LEP have been the Rural Lands Study; public submissions; and a Council meeting on 19 October 2003 at which a Rural Strategy was adopted. Now this Rural Strategy is to become the basis from which the new "rural" LEP will be prepared.

What concerns us is that the Rural Strategy is based solely on the Rural Lands Study, and does not recognise any of the issues raised by the community in submissions.

In particular, the summary of submissions we were provided with shows unequivocal and overwhelming community support for removing the prohibition on subdivision to 5 acres in much of the Rural 1 (b) zone, yet this goal has not been incorporated into the Rural Strategy adopted by the Council. In fact, the Rural Strategy directly opposes it!

It is also clear that the community does not agree with the concept of preserving land in our area on the basis of its value for agriculture – in fact, as the owners, we know that most of the land has no agricultural value at all, and therefore that argument carries no weight.

Given that we in the community are those most affected by the Rural Strategy, it is completely unacceptable that the Strategy adopted does not in any way accommodate our wishes.

Council responses to points made in submissions

At a recent Council expo meeting, I asked the Director of Planning Services to explain why none of our submissions had been considered in the preparation of the Strategy. His response was that we were "jumping the gun" – that our submissions would be taken into consideration when the new "rural" LEP was being prepared.

However, after reading the Council's responses against the points in the summary of submissions provided to us, we simply cannot believe this. The responses confirm beyond any doubt that the Council has no intention of incorporating the wish of the Community regarding subdivision to 5 acres into the new rural LEP.

“The Strategy does not support further subdivision” is repeated many times, along with other similar statements. With the notable exception of responses to submissions from other government organisations, the responses are in general defensive, and opposed to the points raised. Many insult the intelligence with Orwellian double-speak; for example, “demand for rural-residential development is driven by supply”; and “other rural land uses may be viable”. If other rural land uses were viable, we would have found them; and demand is only ever driven by supply in the dreams of bureaucrats – in the real world, supply is driven by demand, not the other way around.

The community is disillusioned and cynical

Many in the community are very disillusioned by the process so far.

In the first place, the community has a right to expect that any Rural Lands Study – particularly one costing \$300,000 – will be objective, founded on fact instead of ideology, and generally in accordance with the wishes of the community. The present Rural Lands Study is none of these things.

We are repeatedly assured that our concerns will be “considered”, but in every single instance this turns out to be “considered and rejected”.

This is not good enough. When the community makes it clear what they want, and is united in their desire for it to happen, “considered” must mean “considered and implemented accordingly”, otherwise the Council will lose any credibility to act as representatives for the community.

We want the Council to carry out the wish of the community

In response to our concerns about the process, some Councillors and staff have suggested that the Council’s hands are tied in this matter; that it is the State government which is mandating policy which the Council must follow; and that unless the draft LEP is prepared in accordance with such policy then a section 65 certificate will not be issued, thereby preventing the plan from going on exhibition.

To find out if this is correct, I wrote to the Director General of the Department of Infrastructure & Nature Resources (DIPNR), and asked whether there was any directive preventing the Council from exhibiting a plan that provided for subdivision to 5 acres in our area.

The reply states that the Director General must first agree with a Rural Strategy before the Council can issue a section 65 certificate under delegation for a draft LEP that contains controls to permit rural residential development. It also states that the Department “supports” the direction of the Rural Lands Study.

Presuming that the Council wants to be in a position to issue a section 65 certificate under delegation, this explains everything. \$300,000 of our money has been spent on a DIPNR-policy-friendly consultant, in order to assure the Council that it will receive a Rural Strategy that will be approved by the Director General without any fuss. Obviously none of the points made in our submissions, no matter how well-founded or reasonable, could ever be incorporated into such a Strategy, because there would then be the danger that the Strategy might not be acceptable to the Director General. Meanwhile we have all been led on a wild goose chase, writing submissions and attending meetings, to keep us occupied with the illusion that we can contribute and participate, while the real plan-making goes on behind closed doors.

This is not what we in the community want, nor how we expect to be treated by our Council. It does not even appear to comply with the LGA, where it states under Section 232 that the role of a Councillor, as an elected person, is “to represent the interests of the residents and ratepayers”. Nowhere in the LGA does it say that the role of a Councillor is to rubber-stamp policy initiated by the State government.

Action Plan

What we in the community want is for the Council to prepare a draft LEP that recognises our desire to be free from the prohibition against subdivision to 5 acres in the so-called “rural” areas.

To achieve this, the Council must first revise the present Rural Strategy to include the right of subdivision to 5 acres as a goal, then seek approval from the Director General.

If the Director General does not agree with such a Rural Strategy, then it can be debated openly, so everyone in the wider community knows exactly where everyone stands, and exactly where this iniquitous, unreasonable, and unjustifiable policy is coming from. I am sure this approach would quickly result in a satisfactory outcome.

As residents and ratepayers, we look forward to a renewed focus on our interests from you and all other Councillors over the coming months.

Yours sincerely,

Alex Davidson.