

25 July 2011

**Mr Sam Haddad**  
**Director General, Planning & Infrastructure**  
**GPO Box 39, Sydney NSW 2001**

Dear Mr Haddad

I am writing about concerns we have with the draft LEP recently exhibited by the Hills Shire council.

For decades, landowners in areas currently zoned rural (a) & 1(b) have been calling for the minimum lot size to be reduced to 2 hectares. One of the key obstacles we have identified is the section 117 directive on rural lands, which prohibits the council from reducing the minimum lot in so-called 'rural' zones unless certain criteria are satisfied.

We were therefore surprised and pleased to note that in spite of this directive, the minimum lot size in the rural 1(a) area (Box Hill, Nelson, and Maraylya) is proposed to be reduced from 40 hectares to 2 hectares.

However we cannot understand why, if the criteria specified in the section 117 directive were satisfied in respect of land in Box Hill, Nelson, and Maraylya, they were not also satisfied in respect of land in the remaining 'rural' parts of the shire. At a recent council meeting, we sought clarification regarding this.

In reply, the council confirmed that a supporting strategic study would be required to support reducing the minimum lot size; and further confirmed that no such study had been carried out in regard to those areas where the LEP proposes reducing the minimum lot size. The justification for this apparent contradiction is that "the Department is satisfied for that change without the study being required".

We now seek answers to the following questions:

- Is the Department able to arbitrarily set aside the requirements of the section 117 rural lands directive?
- If so, then why can't the Department bring common sense to this issue, and allow the council to reduce the minimum lot size to 2 hectares throughout other areas currently designated 'rural'?

In regard to the requirements of the section 117 directive, we believe that an unbiased evaluation of the data and evidence in the studies already carried out does in fact support a standard minimum lot size of 2 hectares throughout almost all of the current 'rural' area, because most land is actually being used for residential purposes. We also believe that given the context, such a reduction could fairly be considered 'minor', and in the overall public interest.

Please find attached a copy of the submission we made to the council in response to the exhibition of the draft LEP, where we elaborate further on these points.

Yours sincerely,

**Alex Davidson**  
**President**