

**SUBMISSION TO THE BAULKHAM HILLS SHIRE COUNCIL RURAL LANDS STUDY IN RESPONSE  
TO THE DRAFT RURAL STRATEGY REPORT**

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**The General Manager**  
**Baulkham Hills Shire Council**  
**PO Box 75, Castle Hill, NSW 1765**  
**Attention: Forward Planning (FP116)**

Dear Sir or Madam,

I am very disappointed with the Draft Rural Strategy that the Council has placed on exhibition.

- It has a strong focus on restricting growth and “preserving rural lands” that I do not agree with;
- It fails to adequately recognise the legitimate concerns and wishes of the Community, particularly in the locality of Hillside;
- Much of it is merely repetition of the Penrith Rural Lands Study prepared by the same consultants;
- It places too much emphasis on controlling and restricting the activities of landowners, instead of providing opportunities for a prosperous future.

I think those affected by this study deserve something better than this one-sided opinion of what is best for them.

<b>1. Bias:</b>
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I cannot understand why the Council chose to engage a consultant who is strongly biased towards limiting growth and “preserving rural lands”. Surely it would be sensible to seek input from parties with differing views. For example, the Council could also provide funding for a report from a consultant known for favouring growth, then present both reports for discussion. As it stands, only one side of the story is being told, and naturally this will affect the choices that will be made.

For me, the lack of objectivity, and considerable negativity towards growth, made the report difficult to read, because many statements are based on underlying assumptions that are not true. Many fly in the face of reason and reality, with no supporting argument. Issues important to the Community are ignored or refuted in a single sentence. Much of it is simply unfounded opinion.

No views from those seeking significantly greater growth in the area were seriously considered in the report. No comment was made about the fact that recent growth in the rural lands study area has only been a quarter of that experienced in the urban lands, and should therefore be increased to balance development. There is no acknowledgement of the bigger picture – that Australia is a vast land with a population hardly more than some large cities – and that given that, it is indulgently selfish to place such a strong emphasis on restricting growth.

**2. Similarity to Penrith Rural Lands Study:**

I am very surprised at the extent of similarities between the Draft Rural Strategy and the Penrith Rural Lands Study prepared by the same consultant. Many important sections, including conclusions and recommendations, ostensibly based upon the results of studying the rural lands in the Baulkham Hills Shire, are word-for-word the same. Are the areas so similar that essentially the same report can be used for both? And if so, why is the Council spending so much money on it?

Perhaps the fact that the report is so similar to the Penrith Study, explains why so many of the conclusions and recommendations seem inappropriate when applied to the rural lands in Baulkham Hills Shire. In contrast to the largely flat agricultural land surrounding Penrith, much of the Baulkham Hills Shire study area consists of hills and ridgelines, not suited at all to most forms of agriculture.

I am hoping that the Council will take note of this point when considering the recommendations presented in the Draft Rural Strategy report, and consider asking the consultant to revise the recommendations and conclusions, so that they more accurately reflect the nature of the rural lands in the Baulkham Hills Shire.

**3. Aims, Objectives, and Conclusions not in keeping with those of the Community:**

I question the method by which the aims and objectives were decided. Are they related to the hopes and desires of ratepayers? They don't seem to be. There should have been a properly-conducted survey of ratepayers, with random sampling according to well-established scientific principles to determine the scope and parameters of the study.

As it stands, the Aims & Objectives seem more tailored towards pushing a particular view onto the Community, rather than seriously "*Involving the Community and other stakeholders in the Study process, to ensure acceptance and ownership*", as stated in "*Aims & Objectives*". Tellingly, there is only 3 pages on "*Community Communication*"; whereas "*Preserving Rural Lands*" gets 27 pages, and 17 on "*Constraints to Development*".

Most disappointingly, the whole of Chapter 11, "*Draft Rural Strategies*", which should be the essence of the report, is hard to follow because it presents its recommendations under headings that are different from the originally-stated objectives of the Study, and confuses policy with strategy. Strategies should be clear and concise statements of intent that are easily related to the originally-stated objectives of the study, not detailed prescriptions for action. Don't Policy Actions belong to Stage 3, Plan Making, only to be developed **after** strategies have been agreed?

Given that this is a report prepared by a consultant, shouldn't it simply present some choices to the Council, and it then be up to the Council, following Community wishes, to make final decisions about which strategies are appropriate? The way it is presented seems very final, with no choices provided, just single recommendations under each heading.

It reads as if the Policies have already been decided, then the report was prepared around them.

**4. Lack of proper methodology to ascertain Community wishes:**

It is an undisputed fact that the only way to ascertain the opinions of a group with a known degree of accuracy is by the use of random surveys with carefully-selected questions. Otherwise the information becomes anecdotal, and dependant on who was asked, who had a voice, and the content of the questions.

The Rural Lands Study does not incorporate results from any scientifically-based survey of Community opinion, neither in setting the aims and objectives, nor in Community consultation. Therefore it is not possible to know how accurately the study reflects Community concerns.

The Community focus workshops which were held simply produced a hodge-podge of every imaginable issue and resolution – mainly from those with the loudest or most persistent voices. There was no opportunity for serious discussion or input, a fact reflected in the scant 3 pages devoted to “*Community Communication*” in the 145-page Draft Rural Strategy report.

Most of the points raised at these workshops have been neither ranked nor presented in context in the report, and therefore carry little meaning. For example, a person living at one end of a street, where there is excellent agricultural land, may have voiced a preference for “no further subdivision”; whereas 20 others, living on properties that were totally unsuitable for agriculture, could have expressed a preference for additional housing, yet context like this, which would significantly alter the meaning, has not been included in the way the outcomes are presented and analysed in the report.

In this report, and in the Community Consultation Report, most of the outcomes are simply listed, as if each is as important as the other. The report then focuses on those outcomes that support no growth, or what are claimed to be “contradictions” in Community desires. There is no systematic ranking of importance of issues to the Community, and such ranking that did occur has been virtually ignored in the report, as detailed below.

**5. The conclusion following the list of issues and priorities rated by Community focus workshop participants is not in accordance with the results:**

Page 15 lists the priorities participants assigned to issues of concern. The results unquestionably show that by far the greatest concern of the Community is the current Council’s prohibitions on subdivision, yet this is presented in the report as a “*contradiction in the aspirations of the Community*”!

The report then goes on to draw the conclusion from the response “*Lifestyle*”, that Community members are concerned about “preserving” their lifestyle. Well I was one of those who gave that response at a meeting, and I certainly did not mean that I wanted my lifestyle to be somehow “preserved”. In fact, the lifestyle I’m looking forward to is one of growth and development of amenities in the area.

The entire paragraph on page 15 summarising issue priorities is an unacceptable misrepresentation of Community concerns. To accurately reflect the mood of the Community, it needs to be written as follows:

*“It is apparent from this that by far the greatest issue concerning Community members is the current restrictions on subdivision. This is clearly against Community wishes, and since the Council has a mandate to represent, not oppose, the wishes of their ratepayers, this issue must be addressed urgently. Concern was also raised at the already inadequate infrastructure, demonstrating very clearly that Community members are unhappy that taxes and rates are not being spent on infrastructure in the areas in which they are generated, but are instead diverted to other areas and other purposes. Participants at the meetings rated environment and biodiversity concerns at only 10%, demonstrating that most were prepared to accept this trade-off as a result of subdivision.”*

I suggest that the Council replaces the offending paragraph before finalising the report.

**6. It is not true that more subdivision will place more strain on the infrastructure:**

On page 15 & 16 of the Draft Rural Strategy, and various places in the Background & Issues report, is the argument that more subdivision will place more strain on the infrastructure, and cause more congestion.

This ignores the fact that more subdivision injects large amounts of funds into an area through taxation and rates. It is only if these additional funds are not spent within the area they are generated, that there will be “*more strain on the infrastructure*”, and more congestion.

It is not the fact of subdivision that causes congestion, but instead it is decisions about where public money is to be spent. For example, the decision by successive governments to use money collected from fuel taxes for purposes other than building new roads, directly contributes to increased traffic congestion as communities grow.

It could just as easily be argued that congestion is caused by **lack** of development, because there are too few ratepayers and taxpayers in the area to fund the requisite infrastructure. Further, one has to ask why this same argument about congestion is not applied against the proposal for “*contained expansion*” suggested in the Background & Issues Report, and in “*Shaping Our Cities*”.

**7. Failure to adequately address the issue of subdivision – the issue of greatest interest and concern to landowners:**

Although no proper opinion surveys have been carried out, landowners have made it extremely clear over a period of decades that they believe they should not be prohibited from subdividing their land. There have been several previous reports prepared about this issue, and attendees at the Community workshops overwhelmingly voiced their desire for this, yet removal of the prohibitions is not one of the objectives of the Rural Lands Study.

Why is this? Why does the Council, which is, after all, constituted as a service to ratepayers, refusing to act upon the clearly expressed wishes of those it is supposed to be serving?

Instead we find that a stated aim of the Rural Lands Study is to “*Protect and enhance a sustainable future for the rural lands*”, which the authors of the Draft Rural Strategy conclude means continuing the prohibitions against subdivision. The objective relating to this is “*manage the demand for future rural subdivision*”, which gets similarly interpreted as discouraging any further rural subdivision.

This is not what I want, nor, I suspect, what most ratepayers want.

Even with substantial further subdivision of rural lands for housing, the study area would still have a sought-after, quiet, natural environment.

The main section of the Draft Rural Strategy report dealing with subdivision for rural residential lands (p65-66) appears objective, in that it lists both benefits and “many problems” associated with such subdivision, but it then uses highly emotive negative language (words such as “sterile”, “unproductive”, “destructive”) when describing such subdivision, and goes on to draw highly-opinionated conclusions. This is not a balanced view, but the expression of an ideology. It does not incorporate the views of the Community – in fact, the bulk of this section was taken from the Penrith Rural Lands Study by the same authors.

Far from there being only short-term benefits from rural residential subdivision, as stated in the report, there are obvious long-term benefits as well. One only needs to take a look at the

prosperity in the Dural district – once a relatively low-wealth agricultural district – to see the long-term benefits brought about by such subdivision.

Not mentioned in the report is the fact that in many cases when a landowner subdivides their large block, they re-invest funds released back into their remaining property and local businesses, thereby providing further improvement to the overall quality and amenity of the area.

Also not mentioned is the very real reduction in bush-fire risk that occurs due to the clearing required for a residence. I have personal experience of this.

I challenge many of the points listed as “problems” on page 65:

<p><i>Loss of amenity for rural dwellers</i></p>	<p>This is nothing more than ill-founded opinion, which at best would only reflect the wishes of a very small minority of residents.</p> <p>As a rural dweller myself, I consider that the reverse is true – I would <b>gain</b> amenity through additional subdivision. I know that the majority of residents in the locality of Hillside share this view.</p>
<p><i>Loss of productive agricultural land</i></p>	<p>In many areas where landowners wish to subdivide, for example the Hillside locality, the land is not productive agricultural land. Therefore this cannot be classified as a “problem” applying to subdivision generally, but only to specific blocks that are actually, or potentially, productive agricultural lands.</p>
<p><i>High capital costs to Council and Government Agencies to service the initial development;</i></p>	<p>This is not correct.</p> <p>Generally new residents must pay for the delivery of initial services themselves. In my own case, I had to pay Integral Energy \$12,000 to provide adequate electricity capacity. I also had to pay substantial fees for such things as a Flora &amp; Fauna report (\$2,800), DA, phone connection, etc. I have paid for my own sewage system.</p> <p>All other services such as road, town water, telephone were already in place, so there was no additional cost borne by any Council and Government Agencies to service the initial development.</p> <p>The only thing I need the Council to provide (which I still don’t have) is a street number – this can hardly be called a high capital cost.</p>
<p><i>Potential for an increase in the amount of ongoing services and facilities required to be provided by the Council and Government Authorities (for example the upgrading of existing rural Roads and street lighting in established rural areas)</i></p>	<p>Why is this listed as a “problem”?</p> <p>Isn’t this what we pay rates and taxes for? As more residents move into an area, more rates and taxes come with them, therefore there <b>should</b> be more services and facilities, unless the Council and Government are diverting the money away to other areas.</p>

The report does not pay enough attention to the contrast between the type of development envisaged by those who wish to subdivide their rural land, and the type of development that has

occurred in other nearby parts of Sydney, where houses are so close they are almost touching. On the one hand, the Government has not prevented sprawling suburbs covering large areas of prime agricultural land in Kellyville and Rouse Hill, yet on the other hand the Baulkham Hills Council prevents low density development throughout much of the Shire, where the land is very unsuitable for agriculture, and really only suited to housing. In fact, by prohibiting 1 acre subdivisions, the Council is doing the exact opposite of what is stated in *“Shaping our Cities”* in terms of providing housing choice, and the exact opposite of what many in the Community want.

#### **8. Claims of dire consequences of expansion are unfounded:**

Much of the underlying theme of the Rural Lands Study and Draft Rural Strategy appears to be founded upon the concept of “dire consequences of expansion”. In the Background & Issues report (p22) the following statement is made:

*“Rapidly expanding urban areas will have dire environmental, social, and financial consequences. Containing expansion is more sustainable and coincides with people’s needs for a greater variety of housing and better access to jobs and services.”*

This sweeping statement has been taken from page 6 of *“Shaping our Cities”*, but neither there, nor in the current reports, is any evidence presented for the claims of dire consequences, or for the claim that containing expansion will coincide with people’s needs for a greater variety of housing. The statement is simply presented as immutable fact, then used as the basis for much of the opinion and argument presented in the Draft Rural Strategy.

Containing expansion can only mean one thing – greater density – so what about the housing needs of those who prefer lower density? Surely one has to ask “more sustainable ... than what”?

As far as I can ascertain, there have been no proper scientifically-based surveys conducted which support the view that everyone wishes to live in higher density areas. In fact, the expansion of the city, coupled with the oversupply of city apartments, would tend to support the opposite conclusion – that the housing choice people want is lower density, not greater density.

There are many cities less densely-populated than Sydney that aren’t terrible places to live, and many more-densely that are. Dire consequences befall cities that become too crowded, not cities that spread naturally according to the wishes of those who live there. If everyone hates urban sprawl as much as those who know best for us think, why do residents keep wanting to move to the suburbs? Why isn’t there an overwhelming demand for apartments, and a fall in price for suburban land?

According to the authors of these reports, growth has to be somehow contained to preserve the environment we have now, yet the very environment that they are so keen to protect, is itself the result of very substantial levels of mostly unplanned growth. What makes the unplanned growth of the past so special that it has to now be preserved? And why shouldn’t mostly unplanned growth be allowed to continue, since it is obviously working – look at the demand to live in Sydney.

I’ve experienced the result of living in a city that “contained expansion”, and I didn’t like it. Why shouldn’t I, and others like me, have the choice to live in a rural setting, particularly in a country such as Australia, where there is a huge abundance of suitable land?

The bare fact of it is that unplanned growth, driven by individual preferences and demand, is what has created many of the world’s most interesting and satisfying places to live, whereas planned communities often turn out to be sterile and not preferred. Sydney is the great city it is today as a result of unplanned growth. The growth that does take place is a reflection of the aspirations and

dreams of a great many individuals, and it is that collection that gives the place its character, far more so than any planned “compact city” could.

I hope that Stage 3 of the Rural Lands Study will acknowledge that dire consequences do not automatically follow from expansion.

**9. Faulty reasoning and incorrect assertions in Chapter 7, “Preserving Rural Lands”:**

On page 52 the report recognises that “some of the existing agricultural uses on the land are marginal from an economic sustainability point of view and in fact anecdotal evidence from these farmers is that they do not make a good financial return.” However the author of the report then lists a number of reasons why, in his opinion, subdivision, which would bring a financial return to the property, should not be considered. I challenge these reasons:

<p><i>Rural character</i></p>	<p>In many cases the rural character would be <b>improved</b> if subdivision was permitted. Many properties look run-down because the owner cannot afford the cost of maintaining a large block. If owners of those blocks were able to sell parts, they would have more funds, which many would spend on improving fences, driveways, tidying bush areas, carrying out fire prevention work, etc.</p> <p>The new owner is likely to do the same.</p>
<p><i>Loss of land for others to carry out agricultural uses</i></p>	<p>The land is not “lost” at all – it has simply become more valuable to use for housing than for farming. If the area became less popular for housing, and prices fell, there would be nothing to stop anyone buying up several adjacent properties and turning them back into a farm.</p> <p>Apart from Council regulations, the only thing that would ever prevent consolidation in the future is the price, not the fact that it had been subdivided at some point in the past, as the report argues.</p> <p>What the report seems to be trying to suggest is that land prices should be somehow held artificially lower than what the market is prepared to pay. The problem with this, as with all similar controls, is in deciding who has the right to apply the regulations to the regulated.</p>
<p><i>Vegetation cover</i></p>	<p>In many parts of the study area there is too much vegetation cover, not too little. That is why there is such a high risk of bushfire. If a reasonable level of development occurred, for example retaining half the bush cover, the bushfire risk could be reduced dramatically.</p>
<p><i>Effluent disposal</i></p>	<p>With modern enviro-cycle sewage systems, the water coming out is almost drinkable. This is simply not a valid concern in most situations under consideration.</p>
<p><i>Tourism</i></p>	<p>I fail to see how subdivision could have a detrimental effect on tourism. Besides, the potential and desire for tourism in the study area are both highly over-rated.</p>
<p><i>Topography.</i></p>	<p>It is unlikely that the types of subdivision that residents want – lot sizes of at least 1 acre, would have a significant detrimental effect on the topography. There is already a significant restriction on cutting and filling for house construction.</p>

Following this, the report makes the statement that the major cost of maintaining this resource (rural land that is unable to be subdivided) is the amount of rates that the owners have to pay.

This is simply wrong. The major cost, as any accountant or economist will confirm, is the cost of the funds invested in the property. It doesn't matter whether the funds are borrowed or not, it is either a direct cost, or a lost opportunity cost. This cost is commonly taken as being at least the interest that those funds would receive if invested in a bank. For a typical property in the study area, valued at say \$1,000,000, this would equate to something like \$50,000 per annum – much greater than the cost of rates. Subdivision would permit owners to reduce that cost significantly.

Additionally, there is the cost of maintenance. To properly carry this out on a 25 acre property could easily run into many thousands, if not tens of thousands of dollars per year – also much greater than the cost of rates. The proposal to reduce Council rates is simply a distraction.

These costs are major amounts of money, and cannot simply be ignored in the recommendations of the Draft Rural Strategy.

The Draft Rural Strategy report then goes on to dismiss residents desire to subdivide as being simply *“based upon the farmers’ belief that they should be permitted to subdivide the land”*. Putting aside the fact that in most cases we are not talking about farmers, the irony is that the whole theme of the report is also based simply on a belief, but of course the opposite one – that landowners should **not** be permitted to subdivide.

Residents have many reasons for wishing to subdivide their land. Some of these are:

- A desire to remain living in their home but not have the responsibility of maintaining such a large block;
- A desire to free funds currently locked up in property they don't need, to be used for improving the property they do need;
- A desire to create the opportunity for others to enjoy living in the area;
- A desire to see more residents in the area so that more money is available for improving infrastructure and services;
- A desire to see more residents in the area simply because they like having more neighbours and friends close by;
- A need to free funds from their property to maintain their lifestyle;
- A desire to make a profit so they can achieve other goals in their lives;
- A belief that further subdivision will improve the overall amenity of the area, and a desire to contribute towards this.

Following this, the report makes another statement which is incorrect. It says: *“At no time has there been any indication from the Council or State Government that they would be able to subdivide some time in the future.”* I was present at a meeting of Glenorie residents where the Mayor rose and specifically stated that he supported residents' efforts to subdivide their properties, and that the reason the Baulkham Hills Shire Council was unable to lift the prohibitions was due to pressure and policy coming from the State Government. The author of the Draft Rural Strategy report was also present at the same meeting.

Further, the policy of prohibiting subdivision of blocks larger than 5 acres into 5 acre lots is an anomaly in the wider context of the whole country. As a general rule, all land in Australia can be subdivided down to 5 acres: this is the reasoning behind the taxation and benefits treatment

referred to elsewhere in this submission, so there is a natural expectation that residents should not be prohibited from doing so. Such subdivision was possible in the study area in the past.

I note too that here, as in many other sections of the Draft Rural Strategy, the text is word-for-word the same as in the Penrith Rural Lands Study report.

It is disturbing the way the report fails to acknowledge the desires of the Community. The reasons put forward for “preserving rural land”, i.e., prohibiting subdivision, do not stand up to scrutiny, but regardless of that, it should not matter how many reasons are put forward – the important issue is that this report recommends **against** following the wishes of the Community. Such advice should never be followed by the Council.

**10. The argument that all rural land in the study area should be “preserved” for potential agricultural use is unsupported and unrealistic, and fails to acknowledge that much of the land is unsuitable for agriculture:**

On page 5 of the report, it states:

*“The main issues affecting rural fringe areas like Baulkham Hills Shire are the need to preserve the environment, the retention of agriculture and the pressure for subdivision of agricultural areas or the resubdivision of existing rural residential land.”*

Where is the evidence of study results demonstrating that one of the main issues is “*the need to preserve the environment*”?

I certainly don’t see this as a “main issue”, and I am sure that most other residents in the area don’t either.

I want to see the environment developed, not preserved. That is not to say I want to remove all natural features – but there must be a balance, with reasonable amounts of subdivision, not a situation where only one residence can be built on an entire 25 acre block situated less than 1 hour from the city.

The report then states:

*“The increasing trend towards the fragmentation of productive agricultural land is affecting its capability to produce agriculture in a sustainable manner. Once viable farming units are now being made into smaller less viable units and the use changed to residential type uses with no realisation about the impacts of this on such issues as land degradation, rural land use conflict or the cumulative impact of the loss to production of this good agricultural land.”*

The author appears to be arguing that it is fragmentation of land which is the primary cause of loss of agricultural viability, when the reality is that farming is unprofitable because of the high cost of land.

Further, the statement that this is “*good agricultural land*” must be challenged. Many parts of the study area in which subdivision to rural residential lots is currently prohibited – e.g. large areas of ridgeline, rock escarpment, and steep bush throughout the northern rural lands – are clearly **not** “*good agricultural land*”, but so unsuitable for farming that they have **never** been put to any form of agricultural use whatsoever.

Also, no evidence is presented for the claim of land degradation under “*residential type uses*”, and such degradation is not visible in areas already subdivided.

Instead of trying to hold back the tide, the sensible thing to do – which is happening anyway – is for farming to remain well away from cities, in truly rural areas, where land is a fraction of the price, and for the Council to stop trying to prevent the use that is occurring naturally – the use that people actually want, and the use that is most productive for the land – which is, providing a high quality open environment for people to build their houses and live.

The report makes a further attempt to refute reality on page 6, where it states:

*“There is a perception in the Community that rural land is land that is in a holding pattern awaiting subdivision for urban or rural residential development or to be converted to some other use. This is not correct.”*

Why is the “*perception in the Community*” not correct? The apparent justification for this assertion is that the area has a “*vibrant and prosperous rural economy with a diverse Community*”, but this fails to recognise that many areas consist of barely-fertile land or rock selling at \$100,000+ per acre, and such areas are never going to be even close to a viable proposition for agriculture, no matter how intensive. The report doesn’t properly acknowledge that the reason the price of the land is so high is not because it is sought after for farming, but because it is sought after for housing. That is the use that people want for the land, not farming. Regardless of the opinion of the report’s authors, the land really **is** in a holding pattern awaiting subdivision.

The only result of trying to force a viable agricultural economy into areas where land is expensive, is higher prices for produce, and higher produce prices are not in the interests of the wider Community.

<p><b>11. Failure to adequately “Involve the Community and other stakeholders in the Study process, to ensure acceptance and ownership” – a stated aim of the Rural Lands Study:</b></p>
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Throughout the Attachment to the report on Stage One summarising Submissions received, it was repeatedly stated that particular concerns of the Community would be addressed in Stage 2. However there are no specific references to any of the Submissions in the Draft Rural Strategy, nor does it appear that they have been considered in a general way.

The report also makes several references to the need to include all parties in the effort towards sustainability, but there is apparently no input from developers, nor from some of the many who completely disagree with current government efforts to impose more and more control over our lives, and crowd us all together into higher density urban centres. The only place in the report where I could find any recommendation to involve all stakeholders was on page 79, which refers to the formation of a steering committee to develop a set of indicators to measure the sustainability of policies that are written. But this is a suggestion to involve stakeholders **after** the strategy has been imposed, whereas they should be involved **before**. Surely these diverse groups need to be properly involved in the preparation of the strategy itself, not simply brought in after the fact to evaluate results.

I have a strong concern that instead of following the stated aim above, the Council may not be prepared to make any significant alterations to the recommendations proposed by the consultants in the Draft Rural Strategy report, and instead will simply accept the strategy recommendations as they stand, then impose them on unwilling ratepayers. I am also concerned that the same thing will happen to my concerns raised here as has already happened to concerns raised by others following the Stage 1 report – they will be deemed not appropriate for this Stage, but “to be addressed in Stage 3”, then ignored in the Stage 3 report.

**12. Failure to acknowledge and make recommendations in accordance with the clearly-expressed wishes of residents and landowners in the locality of Hillside:**

In responses to Submissions received to the Background & Issues report, it was stated that issues would be addressed on a locality-by-locality basis in stage 2, Strategy Making, yet Hillside is not listed as a locality in the summary of locality outcomes in the Draft Rural Strategy. In fact the report makes no reference at all to the locality of Hillside, except to record the fact that there was a Community workshop held there!

The report should have made recommendations regarding the Hillside locality that were in keeping with the wishes of a Community who has made strenuous efforts over a period of decades to inform the Council of their desire for further subdivision. At the very least the Community of Hillside is entitled to a detailed response to the points raised by residents in the submissions to Stage One, and in prior reports, such as the one tabled to the Council in 1985 that recommended extending the residential 2(a) zone from Glenorie to Hillside.

Due to the nature of the land – ridgeline with steep valleys – Hillside is an ideal locality for further limited housing development for those seeking a quality lifestyle. It is quiet, has excellent views, and well suited to reservation of the steepest bush/valley areas, which would retain wildlife corridors and provide an excellent place for bushwalks to be created for the enjoyment of residents. Much of the area is unsuitable for agriculture. Some properties in the area have already been subdivided, before the current prohibitions were put in place. Further subdivision would greatly reduce the bushfire risk, which remains high due to the lack of adequate clearing on the remaining untended large blocks. There is a school, fire station, and good town water supply.

Many at the workshop meetings expressed the point that subdivision to around 1 acre would be reasonable, practical, and acceptable, yet by default the report places Hillside in the proposed Rural Landscape classification, which is basically no different from the existing zoning.

It would have been much more sensible and logical for the Draft Rural Strategy to classify the area around Hillside within the proposed Rural Living Mixed Uses zone.

As far as Hillside is concerned, the Policy Actions recommended in the Draft Rural Strategy do not recognise Community concerns, do not provide realistic options for rural subdivision, and will not lead to a choice of living opportunities in the area.

Given that the Council is constituted as a service to its ratepayers, and has an absolute mandate to follow the wishes of the Community, even if it is against the wishes and beliefs of individual Councillors or consultants, it is to be hoped that the express wishes of the Hillside community are acted upon by the Council when it prepares the final Rural Strategy document. At the very least, the Council must permit subdivision to 5 acres for the area.

Recently the Hillside Progress Association celebrated its 70<sup>th</sup> year. Sadly, in spite of great efforts by the residents of Hillside, the name has become a misnomer. Although a school and town water supply remain as evidence of co-operation by Councils past, arguably Hillside has gone backwards in the last 30 years. Every effort of the Community, who the Council is supposed to represent, has been met with procrastination and rejection. The Council has simply not followed the clearly-expressed wishes of its own residents, ratepayers, and land owners, and the great danger is that the Rural Lands Study is simply going to be more of the same, with the result that residents will remain as already expressed to the Council on many occasions – bitter.

**13. Failure to recognise the detrimental effects of Federal taxation & benefits legislation on land owners who are not permitted to subdivide their property to 5 acres:**

The Draft Rural Strategy Study must, at a minimum, recognise in policy applying to subdivision, that key elements of Federal Government Taxation and Benefits Policy are predicated upon the ability of any landholder in Australia to be able to subdivide land down to lots sizes of 2 Ha. It is unreasonable and unacceptable for the Baulkham Hills Council to set a policy which prevents landholders from doing so, and thus places them at a disadvantage with regard to both taxation and the receipt of benefits, compared with others who are not subject to this prohibition.

2 key elements of Federal Government Taxation and Benefits Policy that detrimentally affect residents in the study area are:

- Individual land holdings greater than 2 Ha are assessable as an asset for the purposes of determining eligibility for the age pension;
- Capital Gains Tax applies in part to the sale of residential properties larger than 2 Ha, but not to residential properties less than 2 Ha.

This, in itself, should be sufficient reason for the Council to remove the prohibitions against subdivision down to 5 acres in the study area, yet it is not mentioned in the Draft Rural Strategy report.

**14. The Council has not allowed those affected by the Draft Rural Strategy report sufficient time to respond:**

It is a very long report, with many points that need to be challenged, yet the Community is only given 1 month to prepare submissions in response, whereas the consultant preparing the report has been working on a timescale of years, backed up with Council funding.

It would have been reasonable to allow at least 3 months for those affected by these proposals to prepare thorough responses.

**15. Many of the recommendations in Chapter 11, Draft Rural Strategies, are not Strategies, but Policies:**

My understanding of the Rural Lands Study process is that Stage 2 was supposed to be Strategy Making, not Policy Making. However the recommendations in the final chapter, Draft Rural Strategies, are very detailed with regard to specific policy, and do not seem to be at the level of Strategies.

It presents specific recommendations of subdivision sizes and zones, and goes right down to the (absurd) level of proposing building colour schemes.

Other parts of the Study have stated that zoning is not going to be considered as part of Stage 2, yet there are very specific recommendations, e.g. on page 61, contained in the Draft Rural Strategy. Notably these recommendations represent almost no change from the existing restrictions, and certainly do not take Community wishes into account.

**16. I disagree with many of the recommendations listed in Chapter 11:**

- 11.6.1, point 3: The Hillside locality should be included as an Investigation area for large lot residential development.
- 11.6.2, point 1: The Rural Living Mixed Uses designation should be extended along Cattai Ridge road from Glenorie village to Halcrows Road so that it includes the Hillside locality.
- 11.6.2, point 2.1.1 & 2.1.2: It is too restrictive, and too subjective, to stipulate that “Buildings blend into the landscape by having earthy colours and low scale buildings”. They’re buildings, not bush.
- 11.6.2, point 2.1.4: I do not support discouraging subdivision. Limited clearing (say 50%) should be encouraged as a means of reducing the bushfire hazard.
- 11.6.2, point 3: I do not agree with the lot size minima. Rural Landscape lot size minimum should be 5 acres, and Rural Living Mixed Uses lot size minimum should be 1 Acre.
- 11.6.2, point 4: I do not support the type of clustering development envisaged. From comments made at the Community focus workshop and on page 61 of the Draft Rural Strategy report, it is proposed that the houses in such a development would be arranged in close proximity to each other on a block of 20 Ha minimum, with no more than one residence per 4 Ha. This is unrealistic, and not what people want. One of the most desirable features about rural living is privacy from neighbours, yet this clustering concept delivers the opposite. Secondly, the ratio of residences to the size of the block is too low. There should be at least one residence allowed per 2 Ha. Thirdly, there is no consideration of the legal, taxation & benefits implications of such titles, or how they would operate in practice. It is likely to be complex.
- With regard to subdivision controls, the Community would be better served by a control that discouraged “rifle-range” subdivision, and encouraged developers to provide proper access to sensibly-proportioned lots.
- 11.7.3: I disagree with the objective of “Ensuring that development has a minimal impact on the scenic and cultural landscape of the Shire”. It is too subjective, and unrealistic. Development unavoidably changes landscapes, and trying to somehow “minimise” it only ends up placing unreasonable costs and restrictions on everyone.
- 11.7.3, point 1.2: It is too restrictive, and too subjective, to stipulate “Guidelines for the siting and design of buildings in the rural landscape”. This will simply lead to a dull uniformity, and unforeseen outcomes as people attempt to work around whatever rules are dreamed up.
- 11.7.4: There is too much emphasis on preserving heritage and culture. It is ironic that the Draft Rural Strategy report and others associated with the Rural Lands Study place so much emphasis on planning and control, yet nearly all that is called “heritage & culture”, which it is proposed to protect, is the result of the exact opposite.
- 11.7.5, point 1: Instead of stating that bushfire risk should be considered (thereby justifying a moratorium on development), this needs to state that the bushfire risk should be **minimised**. The best way to achieve this is to encourage subdivision and permit clearing of up to say 50%.
- In general, the locality outcomes on page 118 do not reflect the diversity of the area, and Hillside is not listed at all. It should be listed, with a proposed land use designation of Rural Living Mixed Uses, and a proposal to encourage further development centred around the local school.

**17. Proposals for zones and types of development are too restrictive and prescriptive:**

Overall, the “land use” areas proposed in the Draft Rural Strategy are even more restrictive than the currently-existing zones.

There needs to be less control, not more. The current dramatic range of controls and regulations, on almost every type of activity that can be envisaged, limits creativity and freedom, and often results in undesirable outcomes as people try to work around the rules. The Council needs to recognise the fact that Shire property owners are adults, capable of thinking for themselves, and are in a far better position to know what’s best for themselves and their own future than are Council members, Council staff, or consultants.

There are a number of individuals and organisations who have the ability, the time, the money, and the desire to produce carefully-planned and well thought-out small-scale housing developments in rural lands, which would become a valuable asset for the future, but are denied the opportunity because of restrictive Council policies. The Council by its policies seems to treat everyone as if they were imbeciles, incapable of doing things properly, and bent solely on destruction. In many cases this is simply not true, and development plans should recognise this.

As per the “*Plan First White Paper*”, consideration should have been given to the concept of locality planning to replace the zoning concept: “*With current land use zoning there is little recognition of the special characteristics of the place or its desired future character. Dividing land into numbered zones complicates plans and introduces jargon that communities often do not understand.*”

And instead of bulk zoning constraints, there should be provision for applications to be assessed on individual merits, measured against the same general parameters that are used for determining zone boundaries. I see nothing wrong with having a mix of uses in a particular area, but this is not catered for in the proposed zoning system. For instance, the land along Cattai Ridge Rd varies greatly from reasonable agricultural land to non-fertile land best suited for housing, yet it is all placed within the same zone.

**18. The report is based upon a narrow interpretation of what sustainability means:**

Chapter 9 (page 78) opens with a praiseworthy statement about sustainability: “*Sustainability is a direction, more than a fixed destination. It is most effective when embraced voluntarily by people living together in cooperation and democracy.*”

How can the Draft Rural Strategy report be said to support this? Its most important recommendations, those dealing with subdivision, if adopted, would most certainly **not** be “*embraced voluntarily*”, but would only be followed if they were imposed as regulations upon unhappy ratepayers. This is because the recommendations are founded upon a very narrow definition of what constitutes sustainability – i.e., essentially no further residential development in any of the rural lands.

What the report fails to do is look at the wider picture. That wider picture includes countries the same size as Australia, but with populations up to **60 times** greater. In that context it is completely unrealistic to argue that the rural lands in the study area have a sustainability problem that requires a halt to further subdivision. Australia will need to grow at current rates for hundreds of years before subdivision of any rural lands becomes an issue that needs to be addressed by prohibiting it.

In its recommendations, the Draft Rural Strategy report should have recognised that there is a diversity of opinion as to what sustainability constitutes. Few would agree that subdivision of land

to plot sizes of 5 acres in most of the study area was a threat to sustainable development, yet this is the position taken in the report.

If the Draft Rural Strategy had taken the wider context into account, and adopted a less extreme definition of what constitutes sustainability, it would have proposed more reasonable and realistic subdivision guidelines such as those put forward by residents (allow subdivision generally down to 5 acres, and in many areas down to 1 acre). Perhaps then sustainability would indeed become something embraced voluntarily by the Community.

**19. The section on Economic Development ignores the fact that subdivision is itself a major form of economic development:**

The Draft Rural Strategy report fails to quantify the great economic benefits which would occur due to the development associated with subdivision. Most of the cost of a new residence quickly flows into the Community by way of payments to builders and other suppliers, GST, rates, stamp duty, and petrol taxes. Those occupying the new residences then continue to add economic benefit to the area through spending and taxation. This would provide a much greater benefit to the area than promoting tourism or conference centres.

It also fails to draw sufficient attention to the fact that many other types of economic development cannot occur unless further subdivision occurs. For example, it should have recognised that the area is attracting significant numbers of professional, home-office based consultancies, due to the reasonable proximity to the city, and the relatively quiet surroundings. This type of high-value business is ideal for the rural lands area, as it is quiet and does not generate large amounts of traffic. However failure to permit further subdivision in the rural lands prevents this type of business from realising its potential, due to a shortage of suitable properties in the 1 – 5 acre size.

**Conclusion:**

Unfortunately, the Draft Rural Strategy does not appear to accurately represent the views of the Community. Instead, it more accurately represents the views of a minority who want to freeze development and preserve the past. Worse, this minority believes they have the right to impose their views on everyone else.

In a democratic society, which this is supposed to be, the first responsibility of any Council must be to carry out the wishes of ratepayers. Obviously this is not always easy, but in cases where a clear majority of the Community expresses a desire for a certain course of action, the Council must act. It is unacceptable for a Council to instead follow the advice of ideologues with views diametrically opposed to those whom it is supposed to represent. The Council has a mandate and a duty to carry out the wishes of ratepayers, even if this is not in accordance with opinion provided to the Council by consultants.

In the case of the Rural Lands Study, I believe that residents have made it unmistakably clear that they want the prohibitions against subdivision to be lifted, and replaced with guidelines that give them reasonable freedoms to develop their properties as they see fit and as the market demands. No-one is suggesting or supporting overcrowded, suburban-style subdivision in the study area – just something realistic and reasonable.

I implore the Council to seriously consider all the points raised in this submission, and take this opportunity to provide a prosperous future for the rural lands in the Shire for the benefit of the entire Community.

**References:**

*Shaping our Cities*, NSW Government publication.

*Rural Lands Study Issues Paper*, Penrith Council, 1999. Based upon a report prepared by Edge Planning.

*Penrith Rural Lands Study*, Penrith Council, June 2001. Prepared by Edge Planning.

*Shaping Western Sydney*, NSW Government publication.

*Plan First White Paper*, NSW Government publication, February 2001.

*Smart Growth America*: [www.smartgrowthamerica.org](http://www.smartgrowthamerica.org)

*Smart Growth or Smart Living?*, Ian Sinclair, *New Planner Magazine*, Number 51, June 2002.

*The Link between Housing Affordability and Growth Management: The Academic Evidence*, Brookings Institution, [www.brookings.edu/dybdocroot/es/urban/publications/growthmang.pdf](http://www.brookings.edu/dybdocroot/es/urban/publications/growthmang.pdf)

*Public participation and direct democracy in North Sydney*, North Sydney Council, [www.iplan.nsw.gov.au/engagement/stories/docs/precinct.pdf](http://www.iplan.nsw.gov.au/engagement/stories/docs/precinct.pdf)

*Preserving Rural Land in Australia*, Ian Sinclair, Principal Consultant, Edge Planning.

*Growth Management and Rural Land*, Ian Sinclair, Principal Consultant, Edge Planning.

*From Strategy to Plan - Planning for Rural Land in Australia*, Ian Sinclair, Principal Consultant, Edge Planning.

*Background Issues and Report*, Prepared for the Baulkam Hills Shire Council by Edge Planning.

*Community Consultation Report*, Prepared for The Baulkam Hills Shire Council by Edge Planning.

*The Community Engagement Handbook*, PlanningNSW, [www.iplan.nsw.gov.au](http://www.iplan.nsw.gov.au)