

From:

Sent:

To:

Thursday, 2 August 2012 6:01 PM

oxley@parliament.nsw.gov.au; Public Stoner's Office Email;
murrumbidgee@parliament.nsw.gov.au; Public Piccoli's Office Email; Public Gay's
Office_Email; upperhunter@parliament.nsw.gov.au; Public Souris' Office Email;
burrinjuck@parliament.nsw.gov.au; Public Hodgkinson's Office Email;
ballina@parliament.nsw.gov.au; Public Page's Office Email;
barwon@parliament.nsw.gov.au; Public Humphries' Office Email;
kuringgai@parliament.nsw.gov.au; Premier's Office; Public Gallacher's Office Email;
wakehurst@parliament.nsw.gov.au; Public Hazzard's Office Email;
terrigan@parliament.nsw.gov.au; Public Hartcher's Office Email;
bega@parliament.nsw.gov.au; Public Constance's Office Email;
Robyn.Parker@parliament.nsw.gov.au; Public Parker's Office Email;
tamworth@parliament.nsw.gov.au; monaro@parliament.nsw.gov.au;
niall.blair@parliament.nsw.gov.au; myalllakes@parliament.nsw.gov.au;
rick.colless@parliament.nsw.gov.au; coffsharbour@parliament.nsw.gov.au;
jenny.gardiner@parliament.nsw.gov.au; orange@parliament.nsw.gov.au;
lismore@parliament.nsw.gov.au; dubbo@parliament.nsw.gov.au;
clarenc@parliament.nsw.gov.au; trevor.khan@parliament.nsw.gov.au;
sarah.mitchell@parliament.nsw.gov.au; melinda.pavey@parliament.nsw.gov.au;
tweed@parliament.nsw.gov.au; paul.toole@parliament.nsw.gov.au;
murraydarling@parliament.nsw.gov.au; portmacquarie@parliament.nsw.gov.au;
albury@parliament.nsw.gov.au; portstephens@parliament.nsw.gov.au;
charlestown@parliament.nsw.gov.au; catherine.cusak@parliament.nsw.gov.au;
swansea@parliament.nsw.gov.au; southcoast@parliament.nsw.gov.au;
speaker@parliament.nsw.gov.au; don.harwin@parliament.nsw.gov.au;
gosford@parliament.nsw.gov.au; scot.macdonald@parliament.nsw.gov.au;
waggawagga@parliament.nsw.gov.au; Matthew.Mason-
Cox@parliament.nsw.gov.au; newcastle@parliament.nsw.gov.au;
TheEntrance@parliament.nsw.gov.au; wyong@parliament.nsw.gov.au;
hawkesbury@parliament.nsw.gov.au; cessnock@parliament.nsw.gov.au;
Luke.Foley@parliament.nsw.gov.au; paul.green@parliament.nsw.gov.au;
wallsend@parliament.nsw.gov.au; F.Nile@parliament.nsw.gov.au;
lakemacquarie@parliament.nsw.gov.au; northerntablelands@parliament.nsw.gov.au;
mick.veitch@parliament.nsw.gov.au; shellharbour@parliament.nsw.gov.au;
steve.whan@parliament.nsw.gov.au
property rights of nsw citizens.

Subject:

An open letter to all politicians from your constituents.

Fighting for our Property rights.

The standard template LEP, in particular, is affecting thousands upon thousands of us across the state and we have all been chipping away in our corner of the world, trying to get the attention of the politicians and the media.

The LEP gets its strength from the Native Vegetation and other Acts, which undermine our property rights. What used to be mostly the farmer's fight has now spread, through the LEPs, to almost everyone with rural lands, and even those in urban areas. We, the constituents of NSW, have a lot of common objections:

- The effects of the LEPs on our private property rights
- The use of environmental zones on private property
- The effects of overlays on our private property rights
- The down-zoning of private lands
- Forcing landowners into perpetual conservation agreements or the like, without just compensation
- The interpretation of the standard LEP template by local councils

Here is the problem ably summarised by Herald writer:

Miranda Devine

—, Saturday, July, 28, 2012, (10:15pm)

THIS is a case study of what is wrong with the O'Farrell government.

Just across the Richmond River from Ballina's Big Prawn, Bernard and Rikki Grinberg run a caravan park on eight pretty hectares behind South Ballina beach.

They have ploughed their retirement savings into restoring an old camping ground into a low-key, affordable, family-friendly eco-resort.

But now, like property owners all over NSW, their livelihood is under threat, as green-dominated councils use a new statewide planning template effectively to "sterilise" land of human influence.

The Grinberg's Ballina Beach Village has been rezoned from a recreational zone to the environmentally sensitive category of E2, which is the next stage down from a national park, and forbids tourist activity. While, technically, they are allowed to keep operating their eco-resort under an "existing uses" clause, the reality is the opposite.

Now, every time they want to change anything, whether it is to use crockery at their kiosk, hire a singer to play in their piano bar, renovate the interior of an old shed to turn it into a yoga studio, even trim a branch off a termite-infested tree that might fall on a tent, they have to submit a development application and prove to Ballina Shire Council they are not "intensifying" the use of their land.

The effect is that their thriving business is becoming unviable.

From leafy Sydney suburbs such as Terrey Hills and Frenchs Forest in Warringah to Eurobodalla on the south coast, to Ballina and Byron Bay and inland to Lismore and Kyogle, wherever there is bush and greenies, councils are deciding to impose excessively restrictive environmental zones on private property.

Landowners rezoned to E2 or E3 have found their property values slashed overnight, leaving them unable to improve their land or even farm it effectively. In Ballina and Byron shires as much as one third of agricultural land has been rezoned.

What an E2 zoning does is stop, for example, a macadamia farmer leaving a paddock fallow for a year, a standard farming practice to rest the soil. If he wants to replant macadamias on that paddock, or even switch to mangoes, he has to apply for a DA.

Rezoning land to a more restrictive regime is known as dezoning, but Rikki, 55, and Bernard, 65, describe it as "land theft".

E2 and E3 zonings are "the exocet missile of green bureaucracy", they say. Planning laws have "given very powerful weapons to very misguided people".

A nearby farmer, who asks not to be named, has valuations which show the E2 dezoning has halved the value of his land.

On January 5, 2006, his farm was worth \$5.6 million. On February 1, this year, it was worth just \$2.6 million.

In their report, valuers Herron Todd White explained: "Ballina Shire Council draft LEP (Local Environment Plan) designates substantial parts of the [farm] as E2 Environmental Conservation zoning. This significantly limits the use (to) which this land can be put."

No kidding.

So far, the Grinbergs have had to spend \$150,000 on lawyers and town planners just to defend their right to conduct business as usual.

They blame the previous state Labor government for imposing a new planning template across the state's 150 councils. But after 16 months in office the O'Farrell government has done nothing to fix the problem.

Frank Sartor, the former Labor planning minister who signed off on the changes, defends the template, known as a "standard instrument". It was intended to standardise the confusing mishmash of different definitions across NSW into 30 to 40 standard zonings.

"The template provides a great deal of flexibility. It is absolute nonsense to blame the template for planning problems that are of local councils' own making," he says.

But who will protect landowners from rogue councils? Not Premier Barry O'Farrell.

The election of a new Coalition government on a planning platform of empowering local councils has created a perfect storm. The template provides the opportunity for councils arbitrarily to rezone land, and the laissez faire attitude of the O'Farrell government gives them the freedom to do it.

And in case deep greens are applauding at this point, freedom cuts both ways, depending on the ideology of the council involved - whether that is the green ethos of locking land away from humans, or the white shoe brigade's ideal of the concrete jungle.

NSW Planning Minister Brad Hazzard is overhauling planning laws but says he is stuck with the template inherited from Labor.

"Where I have had major concerns I have stepped in to excise areas (from E2 and E3 zonings and require councils to) go back to the community and look at the science, look at the evidence," to determine if land should be locked up, he said.

"It is truly a challenge for state government because we came into power (promising) to devolve more power to local communities ...

"The challenge is to make sure councils properly consult local communities."

But he questions "whether it is appropriate for state government to take a heavy-handed interventionist approach".

Why not? Real people are being smashed.

The Grinbergs say the government is just "rejigging" rather than finding a permanent solution.

"You're just back having the fight with council," says Bernard.

"The zoning will still be manipulated by councils imposing expensive DA processes and red tape to drive owners off their land."

They say "scientific evidence" just means council ecologists will pay \$150,000 to like-minded environmental consultants to produce reports proving the area is environmentally sensitive.

The Grinbergs have put elbow grease and their retirement savings into the land they fell in love with. They've turned a rundown slum into a tranquil ecohaven, accessible to families of moderate means.

"We're the ideal owners," Rikki says. "We're very environmentally conscious, clean living, and non-development."

"Yet we're the bad guys."

This is why the NSW economy is still on its knees. The O'Farrell government is squandering a huge mandate with its timid and ineffectual approach. It is more determined to be loved by everyone than to do the tough job it was elected to do: fix 11 years of Labor mismanagement.

We have an insane planning regime which is cutting the value of people's property in half. Just fix it now.

