

Sent: Tuesday, 20 April 2010 2:33 PM

To: Committee, EEW (SEN)

Subject: Bangor Residents' Representative Group Submission

Dear Committee Secretary, Dr Shona Batge,

I write on behalf of the Bangor Residents' Representative Group in regard to the inquiry into the Federal Government's Primary Schools for the 21st Century program.

The NSW State Government introduced the State Environmental Planning Policy (Infrastructure) 2007 in January 2008, specifically to fast track Infrastructure developments by providing a pathway to approval that bypasses the normal Council Development Assessment procedure and the right of public comment that would normally be permitted through this process.

They also introduced the Nation Building and Jobs Plan Act to facilitate BER funded projects again to provide a pathway to approval that eliminates Council and the general public from the assessment and review process.

Given that Section 5 of the New South Wales Environmental Planning and Assessment Act 1979 states that an objective of this Act, (under which the Infrastructure SEPP is made), is to INCREASE the opportunity for public involvement in environmental planning and assessment, there is an obvious inconsistency between the EP& A Act and the Infrastructure SEPP that DENIES US THAT RIGHT.

According to legal precedent, where such inconsistency exists, the general principle that applies is for higher order legislation (i.e. the EP&A Act), to prevail over the provisions of the lower order legislation (the Infrastructure SEPP) to the extent of such inconsistency.

The Infrastructure SEPP and the NBJP Act both conspire to disenfranchise our rights under the EP&A Act (Section 5), to permit environmentally insensitive and unsustainable development through the lack of adequate safeguards that exist in local planning instruments for other types of developments.

This constitutes another form of “roting” which is actually encouraged and facilitated by these unjust planning laws.

Yours faithfully,

George Benikos