NSW Legislative Council Hansard

Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 5 April 2006.

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [5.47 p.m.], on behalf of the Hon. John Della Bosca: I move:

That this bill be now read a second time.

I seek the leave of the House to incorporate the second reading speech in *Hansard*.

Leave granted.

This bill aligns provisions for owner-initiated acquisition requests under the Environmental Planning and Assessment Act 1979 with the owner-initiated acquisition provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Currently, where land has been reserved for use exclusively for a public purpose, there are two conflicting procedures which landowners can use to require the relevant Authority to acquire the land.

The acquisition provisions in an environmental planning instrument made under the Environmental Planning and Assessment Act 1979 provide for acquisition on demand.

In contrast, the Land Acquisition (Just Terms Compensation) Act 1991 requires a landowner to demonstrate hardship as a result of a delay in acquisition of the land reserved to require an acquisition.

The Land Acquisition (Just Terms Compensation) Act 1991 also provides that the relevant acquiring authority may use its best endeavours to remove the planning reservation, rather than acquiring the land.

This bill ensures that all future owner-initiated acquisition requests are dealt with under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

It also provides an opportunity for agencies and councils to review reservations prior to acquisition, and rezone lands reserved for public purposes where the land is no longer needed.

This will ensure prudent expenditure of government funds to acquire land in priority programs for development for public purposes. I will now address the elements of the bill.

Schedule 1 amends the Environmental Planning and Assessment Act 1979 to provide that the procedure for the acquisition of land reserved for use exclusively for a public purpose under that Act is the owner-initiated acquisition request procedure in the Land Acquisition (Just Terms Compensation) Act 1991.

This means that when an owner of land reserved for public purposes under an environmental planning instrument requests the acquiring authority purchase the land, the landowner must be able to demonstrate hardship in order to force the acquisition to occur.

Where the authority determines on review that the land is no longer required, the authority will be able to initiate the rezoning process.

This will prevent landowners from requiring authorities to acquire land, still identified in environmental planning instruments, that is no longer required for public purposes.

An example of this occurring is the 1998 case of Roads and Traffic Authority [RTA] and Greenfield Mountains Pty Ltd on the Pacific Highway at Yelgun.

The land was originally required for a road, and reserved under a Local Environment Plan. A decision was taken to change the alignment of the road reserve, and the original reservation was no longer required. Despite this, the landowner applied to the RTA to compel the acquisition of the original reservation under the Environmental Planning and Assessment Act 1979. The owner insisted on the compulsory process and the matter went to hearing. As a result, the RTA was forced to spend public funds acquiring land it no longer required, as well as paying court costs for the hearing.

Under this bill, an acquisition clause in an environmental planning instrument will not impose an obligation on an authority of the State to acquire land that is no longer required. An obligation will only be imposed as required by division 3 of part 2 of the Land Acquisition (Just Terms Compensation) Act 1991.
The bill also includes a consequential amendment to the Land Acquisition (Just Terms Compensation) Act 1991 to omit section 28.

This section currently provides that the Land Acquisition (Just Terms Compensation) Act 1991 does not affect any obligation of an authority of the State to acquire land as referred to in section 27 of the Environmental Planning and Assessment Act 1979, but gives a choice for such an acquisition to be effected by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991

To prevent opportunistic acquisition demands, the commencement date of the proposed Act will be the date on which notice was given in Parliament for leave to introduce a bill for the Act.

Allied to this bill is a proposal for a new State Environment Planning Policy [SEPP] for public reserved lands, to be enacted where sites are identified as no longer required for a public purpose. The purpose of the public reserved lands SEPP is to provide a way to give landowners certainty over the land use ability of their property, if it is no longer required for public acquisition. The SEPP would also incorporate a provision for scheduling additional sites as needed.

The recent changes to the Environmental Planning and Assessment Act 1979 require all local councils to review their local environmental plans within a 2- to 5-year period. As part of this process all public authorities with reserved land in a local environment plan will be required to also review their need to retain land reserved for a public purpose. The new LEPs will include an acquisition clause reflecting the provisions of this bill.

When reviewing the zoning of land currently zoned for a public purpose and identified as no longer required for a public purpose, consideration will be given to rezoning the land having regard to the adjoining zones and reflecting the objectives of the LEP.

In the period before changes are made to LEPs that currently reserve land for a public purpose, these legislative amendments would prevail over any contrary acquisition clause provision in existing planning instruments.

The bill will also require an amendment to the acquisition clauses of the draft standard local environmental plan template. The Department of Planning will be issuing planning circulars as directives to councils to make the public aware of the changes to the legislation.

I am advised that this bill has the support of the Local Government and Shires Association, as local governments are often forced into needless land acquisitions as a result of the existing parallel systems.

I commend the bill to the House.

The Hon. GREG PEARCE [5.47 p.m.]: The Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill is yet another example of the arrogance of the Government and in particular its planning Minister, Frank Ernest Sartor. The Opposition will oppose it strenuously. The effect of the bill is to remove from members of the community their right to seek compensation where a property is adversely affected by a planning instrument. At present, the owner of land that is affected by certain planning restrictions can apply under the Environmental Protection and Assessment Act—incidentally, an Act that was introduced by the Wran Government—for an order that the relevant authority acquire the land adversely affected by a zoning.

It is interesting to read the speech of the Minister in the other place and to reflect on the arrogance of the Government, which, in this case, is prepared to act retrospectively. The legislation is bluntly and blatantly designed to remove the rights of citizens—the Government has a dreadful record in that regard—and to remove government accountability and responsibility. The Opposition has no objection to the Land Acquisition (Just Terms Compensation) Act 1981, which applies generally to the compulsory acquisition of land by government authorities. But in this case the Minister is moving conveniently to try to shore up in every possible way the Government's budget deficit by removing any liability on the State budget.

The Minister referred to the 1998 case of the Roads and Traffic Authority [RTA] and Greenfields Mountain Pty Ltd, located on the Pacific Highway at Yelgun. The owners of the land decided to have the RTA acquire their land, which had been subject to a road reservation even though it was no longer to be used. The application was made under the Environmental Planning and Assessment Act. In relation to that case the Minister said, "The owner insisted on the compulsory process and the matter went to hearing." The owner is entitled to do just that. He went on to say, "As a result, the RTA was forced to spend public moneys acquiring land that is no longer required, as well as paying court costs for the hearing." This is not a matter of citizens adversely affected by government action who should have their rights taken away.

The RTA is notoriously slack in preserving roads and placing restrictions on land that impact adversely on the

value of the land and the ability of the owner to use the land. The Minister referred to the retrospectivity of the legislation in these terms, "To prevent opportunistic acquisition demands, the commencement date of the proposed Act will be the date on which notice was given in Parliament for leave to introduce a bill for the Act." What does the Minister mean by "opportunistic acquisition demands"? These people have been affected by the impact on their land of a reservation by the Government or local government. They are perfectly entitled to be compensated for that, particularly if the value of their land has been affected adversely or if additional restrictions are placed on their ability to use the land.

The bill is quite straightforward and the Opposition will oppose it. The Government should introduce accountability and responsibility into the RTA and other authorities that have power to impact on private land. This is not the only example of adverse consequences as a result of sloppy governments and departments. Honourable members would be aware of the ongoing controversy over the Epping to Chatswood rail tunnel. The rail authority resumed massive amounts of land depth, which it does not necessarily require. More recently the Government, which is supposedly spending money in the south-west growth area to acquire the route for the south-west railway, has not been particular about the route—alternative routes continue to be shown. This is bad legislation. It is nothing but a grab by the punitive mayor of New South Wales, Frank Sartor, for more power in the Minister. It takes away retrospectively rights that should be defended. We oppose the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.55 p.m.]: The Environmental Planning and Assessment (Reserved Land Acquisition) Bill changes the procedure by which a person whose land has been reserved for a public use by an environmental planning instrument under the Environmental Planning and Assessment Act 1979 may require the land to be acquired by public authority. The bill proposes that the only procedure available for the compulsory acquisition of land reserved and used exclusively for a public purpose is the owner-initiated acquisition request procedure in the Land Acquisition Act. Environmental planning instruments are not to be construed as requiring an authority of the State to acquire land, except as required by the Land Acquisition Act. Accordingly, an authority of the State will not be required to acquire land unless it is of the opinion that the owner will suffer hardship if there is any delay in the acquisition of the land under the Act. Currently, landowners can choose to have their land acquired under the terms of the environmental planning instrument that reserves their land or in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Under this bill the single procedure will be the owner-initiated acquisition request provisions of the Land Acquisition (Just Terms Compensation) Act 1991, which applies when an owner will suffer hardship if there is a delay in acquisition of land by the relevant public authority. Recent changes in the Environmental Planning and Assessment Act 1979 require all councils to review their local environmental plans within a two- to five-year period. As part of this process, all public authorities with reserved land in a local environmental plan [LEP] will now be required to review their need to retain land reserved for a public purpose. New LEPs will include an acquisition clause reflecting the provisions in the bill. When reviewing the zoning of land currently zoned for a public purpose and identified as no longer required for a public purpose, consideration will be given to rezoning land having regard to the adjoining zones and reflecting the objectives of the LEP. However, to compel the authority to acquire the land the owner must show that he or she will suffer hardship if there is any delay in the acquisition of the land under section 23. I will return to the definition of "hardship".

Section 27 (4) (a) of the Land Acquisition Act states that an authority is not required to acquire land if it gives prior notice to the owner of the land that the land is no longer designated by that authority for future acquisition or gives a written undertaking that it will use its best endeavours to remove the relevant reservations and a written notice that land is no longer designated by that authority for future acquisition. The bill commences on 28 March 2006, the day on which it was given notice of in Parliament. In his second reading speech the Minister stated that this is to "prevent opportunistic acquisition demands". This issue is taken up by the Legislation Review Committee. Clause 2 provides for the commencement of the proposed Act from the date on which notice was given in Parliament for leave to introduce the bill for the Act rather than a date on or after Parliament has passed the bill. This retrospective commencement means that a landowner cannot use the compulsory acquisition regime under the Environmental Planning and Assessment Act from that date. The Senate Scrutiny of Bills Committee has stated that commencing legislation retrospectively in this way:

Carries with it the assumption that citizens should arrange their affairs in accordance with announcements made by the Executive rather than in accordance with the laws made by the Parliament. It treats the passage of the necessary retrospective legislation 'ratifying' the announcement as a pure formality.

Although this is true, and it bothers me that the Executive treats the passage of bills through the Parliament as a formality, one has to be realistic and recognise that this formality could open up many opportunities for opportunistic people. The Legislation Review Committee's report also states:

14. The Committee notes the Minister's statement in his second reading speech that the Bill is to commence on this day to prevent any "opportunistic acquisition demands".
The committee will always be concerned to identify any retrospective effect of legislation, which adversely impacts on any person. The report also states:

16. The Committee notes that the Minister's explanation, in his second reading speech, for commencing the Bill from the day on which notice of motion was given of an intention to introduce the Bill.

However, having regard to the need to prevent any opportunistic acquisition demands, the retrospective application of these amendments is not an undue trespass on personal rights or liberties. Additional technical background is also interesting. Currently, section 26 (1) (c) of the Environmental Planning and Assessment Act 1979 provides that an environmental planning instrument may make provision for reserving land for use for certain public purposes—for example, as open space, road transport corridors and facilities such as schools and hospitals. When an environmental planning instrument reserves land for such a purpose, it must also make provision for the acquisition of that land by a public authority, unless the land is owned by a public authority and held by that public authority for that purpose.

A landowner who wishes to have his reserved land acquired by the authority may write to the authority asking for that land to be compulsorily acquired. In such a case, the authority has no discretion and must acquire the land. The Local Government and Shires Associations of New South Wales are concerned about this. They had a meeting in December 2005. They suggest that there are three options to deal with this problem. The first is to align the Environmental Planning and Assessment Act with the Land Acquisition (Just Terms Compensation) Act. The second is to amend the Environmental Planning and Assessment Act to provide State agencies with flexibility to review zoning rather than purchase on demand. The third is to review all planning instruments to reduce possible liabilities. They felt that option one was the preferred option, and indeed that is incorporated in this bill.

Under the Land Acquisition (Just Terms Compensation) Act 1991, referred to as the land acquisition Act, an owner of land designated for acquisition for a public purpose under an environmental planning instrument pursuant to the Environmental Planning and Assessment Act may require an authority of the State by notice in writing given to that authority to acquire that land under the land acquisition Act. The definition of "hardship" is set out in subsections (2) and (3) of section 24 of the land acquisition Act:

(2) An owner of land suffers hardship if:

(a) the owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose, and

(b) it has become necessary for the owner to sell all or any part of the land without delay:

(i) for pressing personal, domestic or social reasons, or

(ii) in order to avoid the loss of (or a substantial reduction in) the owner's income.

(3) However, if the owner of the land is a corporation to which this Division applies, the corporation does not suffer hardship unless it has become necessary for the corporation to sell all or any part of the land without delay:

(a) for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the corporation, or

(b) in order to avoid the loss of (or a substantial reduction in) the income of such an individual.

If the authority is of the opinion that the owner would suffer hardship, it must acquire the land. I note that the honourable member for Gosford in the other place tried to get across the message that everyone would lose as a result of this bill, but I think some flexibility has to be provided for the purpose of good governance. The idea that governments should have to purchase land to reserve it for some possible future use is really an unreasonable imposition on the State. The Total Environment Centre and the Nature Conservation Council, through the Environmental Liaison Office, have commented:

The Bill simplifies the current system for landholders to require land that is reserved for a public purpose to be acquired by a public authority... [and] will see owner initiated acquisition requests proceed under the Land Acquisition (Just Terms Compensation) Act 1991. The provisions under this act are fair and appropriate. It is notable that this legislation removes a dual system which is both inefficient and unfair in the two separate treatments that it creates.

Whilst environment groups have opposed recent changes to this planning system, the current Bill represents an improvement to the planning system. The Total Environment Centre and the Nature Conservation Council... join the Local Government and Shires Associations in supporting this bill.

For those reasons, I support the bill.
Reverend the Hon. FRED NILE [6.03 p.m.]: The Christian Democratic Party supports the Environmental

Planning and Assessment Amendment (Reserved Land Acquisition) Bill, which is simple and straightforward. It provides for a single process for owner-initiated land acquisition throughout New South Wales. At present we have a complicated dual system whereby owner-initiated land acquisition can occur under the Environmental Planning and Assessment Act 1979 and under the Land Acquisition (Just Terms Compensation) Act 1991. This bill will remove that power from the Environmental Planning and Assessment Act 1979 and make all owner-initiated land acquisitions in the future proceed through the Land Acquisition (Just Terms Compensation) Act 1991.

I am pleased to support this bill and to allow the operation of the Land Acquisition (Just Terms Compensation) Act, which I had a major role in developing, to take precedence. We had a lot of controversy about getting just terms either when land was being acquired by the Government or, as in this case, when the owner initiated the acquisition. The Land Acquisition (Just Terms Compensation) Act 1991 has provided a balance between the Government on one hand and the owner of the land on the other hand to ensure that, at the end of the day, both parties are happy with the outcome. As stated earlier, the Environment Liaison Office also supports this legislation. It is not always the case that the Christian Democratic Party agrees with the Environment Liaison Office. In fact, this may be the first time in 25 years—I will have to check. The Environment Liaison Office states:

The provisions under this act are fair and appropriate. It is notable that the legislation removes a dual system which is both inefficient and unfair in the two separate treatments that it creates.

The Christian Democratic Party agrees with that statement. We believe this bill will allow, when owner-initiated land acquisition occurs, the owner to prove or show that there was hardship. In those circumstances the Government would be required to purchase that land. That aspect of hardship is important. Under the Land Acquisition (Just Terms Compensation) Act 1991, the owner must demonstrate that he is suffering hardship as a result of the delay in the acquisition of the land that was reserved before requiring an authority to acquire land. My understanding is that there are some developers who have purchased land that was zoned in a certain way. They have been seeking to speculate and have forced the Government or one of its agencies to purchase that land, and thereby have made a profit. This legislation is important because it protects the taxpayers of this State as well as landholders. The Christian Democratic Party supports the bill.

Ms SYLVIA HALE [6.07 p.m.]: On behalf of the Greens I speak to the Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill, which addresses situations in which a parcel of land is reserved for a public purpose_such as a road, hospital or school_but when that public purpose is not yet required. Under these conditions, the existing landholders are permitted to continue to use the land, but they do so in the knowledge that their land may eventually be compulsorily acquired. While this sometimes involves great heartache for families who stand to lose their homes, most people would agree that the common good and the needs of the broader community ultimately must take precedence. Communities sometimes need new parks, community centres, roads and schools. There must be mechanisms whereby the land can be compulsorily acquired.

In such circumstances, landholders are always paid a fair price, as determined by the Valuer General. However, this bill is not about cases in which people are forced to leave. It is about cases where a government authority places a reserve on a person's land but is not yet ready to use that land. The bill is concerned with the conditions and timing of the purchase. Of course, a landholder can always sell the land on the open market to another buyer who knows that a reserve has been placed on the land, and that it may be compulsorily acquired in the future. Obviously, they would be selling the land at a considerably reduced price. Alternatively, the landowner can force the authority that placed the reserve on the land to purchase it. Currently there are two avenues available to do that: one is to utilise section 27 of the Environmental Planning and Assessment Act and the other is recourse to the Land Acquisition (Just Terms Compensation) Act. The fundamental difference between the two is that under the Land Acquisition Just Terms Compensation Act the owner must demonstrate hardship, whereas under section 27 of the Environmental Planning and Assessment Act that is not necessary.

The bill removes the option of acquisition under the Environmental Planning and Assessment Act and, therefore, makes it harder for landholders to dispose of their land. The Local Government and Shires Associations support the bill because section 27 of the Environmental Planning and Assessment Act is used to force councils to purchase land prematurely. There have been a small number of cases in which councils have been required to pay patently excessive amounts to purchase land, amounts far in excess of market value. The $40 million purchase by Hornsby Shire Council of the CSR Hornsby quarry is a case in point.

At the other end of the spectrum, however, is the Roads and Traffic Authority [RTA], which is responsible for the majority of forced compulsory acquisitions undertaken by the State Government. The RTA keeps thousands of home owners in a state of limbo as it maintains different options for road augmentation and motorway projects across the State. Sometimes those proposals can take decades to determine, with householders left with a financial and psychological cloud over their heads for years. Under those circumstances it is only fair and reasonable that such landholders should be able to move on with their lives. If they are unable to sell their properties because of the reserve and the lingering threat of a motorway, they should have the option of forcing the RTA to put its money where its mouth is and purchase their properties at the value set by the Valuer

General.

Under existing legislation in most cases of a forced purchase the landholder has been forced to take the matter to court. They not only may receive a reduced price, but also will have to pay any associated legal costs. Most owners will use that option only as a last resort. The bill will make it harder for home owners to exercise that avenue of last resort, and make it easier for agencies such as the RTA to impose or retain possible road reservations that it may or may not use at some time in the future. The RTA has an appalling record in the arena of acquisition and compensation. In the past 18 months the RTA has lost a number of court cases that involved compulsory acquisitions because it tried to offer inadequate compensation. An article by Mary-Jane Gleeson of Eco-Transit stated:

This unreasonable behaviour results in distress and expense for the owners who take them on in the courts—

that is the RTA—

and a huge legal battle for the people of New South Wales. None of these costs are passed on to motorway operators even though in most cases the land is being acquired for commercially operated tollways

In one case the court aptly described the RTA as "plainly unreasonable" when it insisted on offering the owner compensation of $50 per square metre for land that it was selling to someone else for $175 per square metre. Because of this, the court awarded costs against the RTA on top of the compensation. However, in many cases owners have to pay their own legal costs, even when the decision is in their favour. This discourages many people from taking the RTA to court to ensure that they get their full entitlement. Of course, the bill relates only to people who have their land, or part of their land, compulsorily acquired. It offers no help to those who have a freeway built within 50 metres of their home, or an unfiltered stack built next door.

One can only shudder at what the RTA has got away with over the years; it is a bureaucracy largely out of control. For many people whose lives have been adversely affected by the RTA, just compensation is a joke. The provisions in the bill relating to rezoning of land that is no longer required are positive, although the Minister has provided almost no detail on how the mooted public reserve lands State environmental planning policy [SEPP] will operate. The Minister assures us that this SEPP will ensure that when reserved land is no longer required it can be more quickly rezoned for other uses such as residential and, therefore, will remove any doubt for existing and future landholders. The Greens would like an undertaking from the Minister that lands covered by that SEPP will ultimately be rezoned for residential or other purposes, and not kept in an effective state of limbo, and ultimately returned to the reserved area.

This is essential to avoid the kind of treatment meted out to residents along the M6 corridor as that project was resurrected, shelved, then resurrected again as Labor Ministers played ping-pong with people's lives. The bill will do nothing for those suffering under an RTA-induced cloud of indecision and inertia; nor will it help those offered unjust compensation for having their lives uprooted and their homes destroyed. However, the bill does offer some solace to councils that are currently forced to acquire excess land or pay inflated prices for reserved land. Although a small number of individual landowners may find it harder to dispose of their land, the question to be asked is: Whose interest is to come first? Is it the interest of the individual or is it the public interest, as represented by councils, that is to be taken into account?

This has been an extraordinarily difficult decision for us to reach. We are also conscious of the changes that were made to the Environmental Planning and Assessment Act by this House last week. For councils to acquire land they often rely upon section 94 funds. Yet the amendments passed to the Environmental Planning and Assessment Act allow the Minister for Planning to reject, amend or impose his own section 94 lands. Section 94 can be used to compensate the community for the impact of additional people or additional pressures on a local council. Section 94 plans can be, and often are, used to acquire land. Indeed, there is a difficulty if councils have a long-term plan that envisages the setting aside of land for a park, or the acquisition of land for a park, a child care centre or whatever. Councils may be suddenly obliged to acquire land, but are no longer in a position to do so because the section 94 plans have been arbitrarily altered by the Minister. The great temptation will be for councils to move the reservation, which may indeed be in the long-term interests of the community as a whole, in order to immediately compensate the landowner.

I instance a case in point involving Baulkham Hills Shire Council. That council had a section 94 plan that envisaged the acquisition of land for a park. Many residents in Baulkham Hills bought their land on the assumption that their property would be across the road from or adjoining parkland that would be used for a community sporting facility or similar. The council has now said that land prices have increased so much that it no longer has sufficient funds to purchase that land and, therefore, it will abandon its proposal for the use of that land. That, of course, has outraged the residents who believe that they have been falsely induced to buy land that was to be opposite a park. Council has now backed away from that proposal.

I believe councils will face more and more pressure as more and more costs are shifted onto them and their rates will continue to be capped because of the threat of the compulsory imposition of a section 94 plan that

may be completely at odds with their wishes. In that environment there will be pressure on councils to abandon useful community-oriented planning on behalf of their communities. At least this bill will take that immediate pressure off councils and make it more difficult for a landowner to demand immediate compensation. So one is immediately in the position of saying: On which side do we come down? Do we come down on the side of the individual who may be disadvantaged, or do we come down on the side of long-term planning for the community, which may be in its best interests? In that case our decision is to opt for the long-term community benefit. Therefore, the Greens support the bill.

The Hon. HENRY TSANG (Parliamentary Secretary) [6.22 p.m.], in reply: I thank all honourable members for their contributions to this debate. The Opposition made a number of incorrect statements about the legislation, and it is important that I correct the record. The Opposition is of the view that this legislation will take away the right of every citizen in the State who owns property to be compensated by the Government if the Government wishes to take his or her land. Of course, that is wrong. If the Government wishes to acquire land for a public purpose, the landowner must be compensated.

The compensation provisions are found in the Land Acquisition (Just Terms Compensation) Act 1991. This amendment does not take away a landowner's right to be compensated if the Government wishes to acquire his or her land—and Opposition members know that perfectly well. In fact, the former Coalition Government introduced the Land Acquisition (Just Terms Compensation) Act 1991. The Opposition also claimed that the State is under no obligation to review its land reservations. That is not true. As indicated in the second reading speech, the Government will introduce a new State environmental planning policy [SEPP] for reserved public lands where sites are identified as no longer required for a public purpose. This SEPP will provide landowners with certainty over the land usability of their property.

Local government is also required to review its land reservations by the local environmental planning process. This legislation continues to require government to purchase land required for a public purpose and to compensate landowners. Concurrently, government and local councils would be required to update their public reservation and take action to lift reservations that are no longer required. The legislation does not remove property rights; it retains all the protections of the Land Acquisition (Just Term Compensation) Act—an Act introduced by the Coalition and supported by the Government. The hardship provisions under the Land Acquisition (Just Terms Compensation) Act are retained.

These provisions are extremely broad and the Government's determination remains appellable. The legislation will enable the Government to maximise available funds for the purchase of public open space and parklands rather than divert money into needless minor acquisitions. Where unnecessary reservations are identified the legislation will enable State and local governments to lift those reservations and to have the land rezoned for the benefit of both government and landholders. I commend the bill to the House.